



Rep. William "Will" Davis

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10300HB1287ham001

LRB103 05701 HLH 69904 a

1 AMENDMENT TO HOUSE BILL 1287

2 AMENDMENT NO. _____. Amend House Bill 1287 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from
10 disclosure under this Section, but also contains information
11 that is not exempt from disclosure, the public body may elect
12 to redact the information that is exempt. The public body
13 shall make the remaining information available for inspection
14 and copying. Subject to this requirement, the following shall
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and
2 regulations implementing federal or State law.

3 (b) Private information, unless disclosure is required
4 by another provision of this Act, a State or federal law,
5 or a court order.

6 (b-5) Files, documents, and other data or databases
7 maintained by one or more law enforcement agencies and
8 specifically designed to provide information to one or
9 more law enforcement agencies regarding the physical or
10 mental status of one or more individual subjects.

11 (c) Personal information contained within public
12 records, the disclosure of which would constitute a
13 clearly unwarranted invasion of personal privacy, unless
14 the disclosure is consented to in writing by the
15 individual subjects of the information. "Unwarranted
16 invasion of personal privacy" means the disclosure of
17 information that is highly personal or objectionable to a
18 reasonable person and in which the subject's right to
19 privacy outweighs any legitimate public interest in
20 obtaining the information. The disclosure of information
21 that bears on the public duties of public employees and
22 officials shall not be considered an invasion of personal
23 privacy.

24 (d) Records in the possession of any public body
25 created in the course of administrative enforcement
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the
2 extent that disclosure would:

3 (i) interfere with pending or actually and
4 reasonably contemplated law enforcement proceedings
5 conducted by any law enforcement or correctional
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative
8 enforcement proceedings conducted by the public body
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a
11 person will be deprived of a fair trial or an impartial
12 hearing;

13 (iv) unavoidably disclose the identity of a
14 confidential source, confidential information
15 furnished only by the confidential source, or persons
16 who file complaints with or provide information to
17 administrative, investigative, law enforcement, or
18 penal agencies; except that the identities of
19 witnesses to traffic crashes, traffic crash reports,
20 and rescue reports shall be provided by agencies of
21 local government, except when disclosure would
22 interfere with an active criminal investigation
23 conducted by the agency that is the recipient of the
24 request;

25 (v) disclose unique or specialized investigative
26 techniques other than those generally used and known

1 or disclose internal documents of correctional
2 agencies related to detection, observation, or
3 investigation of incidents of crime or misconduct, and
4 disclosure would result in demonstrable harm to the
5 agency or public body that is the recipient of the
6 request;

7 (vi) endanger the life or physical safety of law
8 enforcement personnel or any other person; or

9 (vii) obstruct an ongoing criminal investigation
10 by the agency that is the recipient of the request.

11 (d-5) A law enforcement record created for law
12 enforcement purposes and contained in a shared electronic
13 record management system if the law enforcement agency
14 that is the recipient of the request did not create the
15 record, did not participate in or have a role in any of the
16 events which are the subject of the record, and only has
17 access to the record through the shared electronic record
18 management system.

19 (d-6) Records contained in the Officer Professional
20 Conduct Database under Section 9.2 of the Illinois Police
21 Training Act, except to the extent authorized under that
22 Section. This includes the documents supplied to the
23 Illinois Law Enforcement Training Standards Board from the
24 Illinois State Police and Illinois State Police Merit
25 Board.

26 (d-7) Information gathered or records created from the

1 use of automatic license plate readers in connection with
2 Section 2-130 of the Illinois Vehicle Code.

3 (e) Records that relate to or affect the security of
4 correctional institutions and detention facilities.

5 (e-5) Records requested by persons committed to the
6 Department of Corrections, Department of Human Services
7 Division of Mental Health, or a county jail if those
8 materials are available in the library of the correctional
9 institution or facility or jail where the inmate is
10 confined.

11 (e-6) Records requested by persons committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail if those
14 materials include records from staff members' personnel
15 files, staff rosters, or other staffing assignment
16 information.

17 (e-7) Records requested by persons committed to the
18 Department of Corrections or Department of Human Services
19 Division of Mental Health if those materials are available
20 through an administrative request to the Department of
21 Corrections or Department of Human Services Division of
22 Mental Health.

23 (e-8) Records requested by a person committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail, the
26 disclosure of which would result in the risk of harm to any

1 person or the risk of an escape from a jail or correctional
2 institution or facility.

3 (e-9) Records requested by a person in a county jail
4 or committed to the Department of Corrections or
5 Department of Human Services Division of Mental Health,
6 containing personal information pertaining to the person's
7 victim or the victim's family, including, but not limited
8 to, a victim's home address, home telephone number, work
9 or school address, work telephone number, social security
10 number, or any other identifying information, except as
11 may be relevant to a requester's current or potential case
12 or claim.

13 (e-10) Law enforcement records of other persons
14 requested by a person committed to the Department of
15 Corrections, Department of Human Services Division of
16 Mental Health, or a county jail, including, but not
17 limited to, arrest and booking records, mug shots, and
18 crime scene photographs, except as these records may be
19 relevant to the requester's current or potential case or
20 claim.

21 (f) Preliminary drafts, notes, recommendations,
22 memoranda, and other records in which opinions are
23 expressed, or policies or actions are formulated, except
24 that a specific record or relevant portion of a record
25 shall not be exempt when the record is publicly cited and
26 identified by the head of the public body. The exemption

1 provided in this paragraph (f) extends to all those
2 records of officers and agencies of the General Assembly
3 that pertain to the preparation of legislative documents.

4 (g) Trade secrets and commercial or financial
5 information obtained from a person or business where the
6 trade secrets or commercial or financial information are
7 furnished under a claim that they are proprietary,
8 privileged, or confidential, and that disclosure of the
9 trade secrets or commercial or financial information would
10 cause competitive harm to the person or business, and only
11 insofar as the claim directly applies to the records
12 requested.

13 The information included under this exemption includes
14 all trade secrets and commercial or financial information
15 obtained by a public body, including a public pension
16 fund, from a private equity fund or a privately held
17 company within the investment portfolio of a private
18 equity fund as a result of either investing or evaluating
19 a potential investment of public funds in a private equity
20 fund. The exemption contained in this item does not apply
21 to the aggregate financial performance information of a
22 private equity fund, nor to the identity of the fund's
23 managers or general partners. The exemption contained in
24 this item does not apply to the identity of a privately
25 held company within the investment portfolio of a private
26 equity fund, unless the disclosure of the identity of a

1 privately held company may cause competitive harm.

2 Nothing contained in this paragraph (g) shall be
3 construed to prevent a person or business from consenting
4 to disclosure.

5 (h) Proposals and bids for any contract, grant, or
6 agreement, including information which if it were
7 disclosed would frustrate procurement or give an advantage
8 to any person proposing to enter into a contractor
9 agreement with the body, until an award or final selection
10 is made. Information prepared by or for the body in
11 preparation of a bid solicitation shall be exempt until an
12 award or final selection is made.

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings, and research data obtained or produced
15 by any public body when disclosure could reasonably be
16 expected to produce private gain or public loss. The
17 exemption for "computer geographic systems" provided in
18 this paragraph (i) does not extend to requests made by
19 news media as defined in Section 2 of this Act when the
20 requested information is not otherwise exempt and the only
21 purpose of the request is to access and disseminate
22 information regarding the health, safety, welfare, or
23 legal rights of the general public.

24 (j) The following information pertaining to
25 educational matters:

26 (i) test questions, scoring keys, and other

1 examination data used to administer an academic
2 examination;

3 (ii) information received by a primary or
4 secondary school, college, or university under its
5 procedures for the evaluation of faculty members by
6 their academic peers;

7 (iii) information concerning a school or
8 university's adjudication of student disciplinary
9 cases, but only to the extent that disclosure would
10 unavoidably reveal the identity of the student; and

11 (iv) course materials or research materials used
12 by faculty members.

13 (k) Architects' plans, engineers' technical
14 submissions, and other construction related technical
15 documents for projects not constructed or developed in
16 whole or in part with public funds and the same for
17 projects constructed or developed with public funds,
18 including, but not limited to, power generating and
19 distribution stations and other transmission and
20 distribution facilities, water treatment facilities,
21 airport facilities, sport stadiums, convention centers,
22 and all government owned, operated, or occupied buildings,
23 but only to the extent that disclosure would compromise
24 security.

25 (l) Minutes of meetings of public bodies closed to the
26 public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public
2 under Section 2.06 of the Open Meetings Act.

3 (m) Communications between a public body and an
4 attorney or auditor representing the public body that
5 would not be subject to discovery in litigation, and
6 materials prepared or compiled by or for a public body in
7 anticipation of a criminal, civil, or administrative
8 proceeding upon the request of an attorney advising the
9 public body, and materials prepared or compiled with
10 respect to internal audits of public bodies.

11 (n) Records relating to a public body's adjudication
12 of employee grievances or disciplinary cases; however,
13 this exemption shall not extend to the final outcome of
14 cases in which discipline is imposed.

15 (o) Administrative or technical information associated
16 with automated data processing operations, including, but
17 not limited to, software, operating protocols, computer
18 program abstracts, file layouts, source listings, object
19 modules, load modules, user guides, documentation
20 pertaining to all logical and physical design of
21 computerized systems, employee manuals, and any other
22 information that, if disclosed, would jeopardize the
23 security of the system or its data or the security of
24 materials exempt under this Section.

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

3 (q) Test questions, scoring keys, and other
4 examination data used to determine the qualifications of
5 an applicant for a license or employment.

6 (r) The records, documents, and information relating
7 to real estate purchase negotiations until those
8 negotiations have been completed or otherwise terminated.
9 With regard to a parcel involved in a pending or actually
10 and reasonably contemplated eminent domain proceeding
11 under the Eminent Domain Act, records, documents, and
12 information relating to that parcel shall be exempt except
13 as may be allowed under discovery rules adopted by the
14 Illinois Supreme Court. The records, documents, and
15 information relating to a real estate sale shall be exempt
16 until a sale is consummated.

17 (s) Any and all proprietary information and records
18 related to the operation of an intergovernmental risk
19 management association or self-insurance pool or jointly
20 self-administered health and accident cooperative or pool.
21 Insurance or self-insurance (including any
22 intergovernmental risk management association or
23 self-insurance pool) claims, loss or risk management
24 information, records, data, advice, or communications.

25 (t) Information contained in or related to
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions, insurance companies, or pharmacy benefit
4 managers, unless disclosure is otherwise required by State
5 law.

6 (u) Information that would disclose or might lead to
7 the disclosure of secret or confidential information,
8 codes, algorithms, programs, or private keys intended to
9 be used to create electronic signatures under the Uniform
10 Electronic Transactions Act.

11 (v) Vulnerability assessments, security measures, and
12 response policies or plans that are designed to identify,
13 prevent, or respond to potential attacks upon a
14 community's population or systems, facilities, or
15 installations, but only to the extent that disclosure
16 could reasonably be expected to expose the vulnerability
17 or jeopardize the effectiveness of the measures, policies,
18 or plans, or the safety of the personnel who implement
19 them or the public. Information exempt under this item may
20 include such things as details pertaining to the
21 mobilization or deployment of personnel or equipment, to
22 the operation of communication systems or protocols, to
23 cybersecurity vulnerabilities, or to tactical operations.

24 (w) (Blank).

25 (x) Maps and other records regarding the location or
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities
2 owned by a utility, by a power generator, or by the
3 Illinois Power Agency.

4 (y) Information contained in or related to proposals,
5 bids, or negotiations related to electric power
6 procurement under Section 1-75 of the Illinois Power
7 Agency Act and Section 16-111.5 of the Public Utilities
8 Act that is determined to be confidential and proprietary
9 by the Illinois Power Agency or by the Illinois Commerce
10 Commission.

11 (z) Information about students exempted from
12 disclosure under Section 10-20.38 or 34-18.29 of the
13 School Code, and information about undergraduate students
14 enrolled at an institution of higher education exempted
15 from disclosure under Section 25 of the Illinois Credit
16 Card Marketing Act of 2009.

17 (aa) Information the disclosure of which is exempted
18 under the Viatical Settlements Act of 2009.

19 (bb) Records and information provided to a mortality
20 review team and records maintained by a mortality review
21 team appointed under the Department of Juvenile Justice
22 Mortality Review Team Act.

23 (cc) Information regarding interments, entombments, or
24 inurnments of human remains that are submitted to the
25 Cemetery Oversight Database under the Cemetery Care Act or
26 the Cemetery Oversight Act, whichever is applicable.

1 (dd) Correspondence and records (i) that may not be
2 disclosed under Section 11-9 of the Illinois Public Aid
3 Code or (ii) that pertain to appeals under Section 11-8 of
4 the Illinois Public Aid Code.

5 (ee) The names, addresses, or other personal
6 information of persons who are minors and are also
7 participants and registrants in programs of park
8 districts, forest preserve districts, conservation
9 districts, recreation agencies, and special recreation
10 associations.

11 (ff) The names, addresses, or other personal
12 information of participants and registrants in programs of
13 park districts, forest preserve districts, conservation
14 districts, recreation agencies, and special recreation
15 associations where such programs are targeted primarily to
16 minors.

17 (gg) Confidential information described in Section
18 1-100 of the Illinois Independent Tax Tribunal Act of
19 2012.

20 (hh) The report submitted to the State Board of
21 Education by the School Security and Standards Task Force
22 under item (8) of subsection (d) of Section 2-3.160 of the
23 School Code and any information contained in that report.

24 (ii) Records requested by persons committed to or
25 detained by the Department of Human Services under the
26 Sexually Violent Persons Commitment Act or committed to

1 the Department of Corrections under the Sexually Dangerous
2 Persons Act if those materials: (i) are available in the
3 library of the facility where the individual is confined;
4 (ii) include records from staff members' personnel files,
5 staff rosters, or other staffing assignment information;
6 or (iii) are available through an administrative request
7 to the Department of Human Services or the Department of
8 Corrections.

9 (jj) Confidential information described in Section
10 5-535 of the Civil Administrative Code of Illinois.

11 (kk) The public body's credit card numbers, debit card
12 numbers, bank account numbers, Federal Employer
13 Identification Number, security code numbers, passwords,
14 and similar account information, the disclosure of which
15 could result in identity theft or impersonation or defrauding
16 of a governmental entity or a person.

17 (ll) Records concerning the work of the threat
18 assessment team of a school district, including, but not
19 limited to, any threat assessment procedure under the
20 School Safety Drill Act and any information contained in
21 the procedure.

22 (mm) Information prohibited from being disclosed under
23 subsections (a) and (b) of Section 15 of the Student
24 Confidential Reporting Act.

25 (nn) Proprietary information submitted to the
26 Environmental Protection Agency under the Drug Take-Back

1 Act.

2 (oo) Records described in subsection (f) of Section
3 3-5-1 of the Unified Code of Corrections.

4 (pp) Any and all information regarding burials,
5 interments, or entombments of human remains as required to
6 be reported to the Department of Natural Resources
7 pursuant either to the Archaeological and Paleontological
8 Resources Protection Act or the Human Remains Protection
9 Act.

10 (qq) ~~(pp)~~ Reports described in subsection (e) of
11 Section 16-15 of the Abortion Care Clinical Training
12 Program Act.

13 (rr) ~~(pp)~~ Information obtained by a certified local
14 health department under the Access to Public Health Data
15 Act.

16 (ss) ~~(pp)~~ For a request directed to a public body that
17 is also a HIPAA-covered entity, all information that is
18 protected health information, including demographic
19 information, that may be contained within or extracted
20 from any record held by the public body in compliance with
21 State and federal medical privacy laws and regulations,
22 including, but not limited to, the Health Insurance
23 Portability and Accountability Act and its regulations, 45
24 CFR Parts 160 and 164. As used in this paragraph,
25 "HIPAA-covered entity" has the meaning given to the term
26 "covered entity" in 45 CFR 160.103 and "protected health

1 information" has the meaning given to that term in 45 CFR
2 160.103.

3 (tt) Financial records related to real estate income,
4 expenses, and occupancy submitted by or on behalf of a
5 property owner to a chief county assessment officer, under
6 Division 6 of Article 9 of the Property Tax Code, provided
7 that nothing in this subsection prohibits a chief county
8 assessment officer from disclosing compiled and anonymized
9 data as provided in Division 6 of Article 9 of the Property
10 Tax Code.

11 (1.5) Any information exempt from disclosure under the
12 Judicial Privacy Act shall be redacted from public records
13 prior to disclosure under this Act.

14 (2) A public record that is not in the possession of a
15 public body but is in the possession of a party with whom the
16 agency has contracted to perform a governmental function on
17 behalf of the public body, and that directly relates to the
18 governmental function and is not otherwise exempt under this
19 Act, shall be considered a public record of the public body,
20 for purposes of this Act.

21 (3) This Section does not authorize withholding of
22 information or limit the availability of records to the
23 public, except as stated in this Section or otherwise provided
24 in this Act.

25 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
26 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.

1 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
2 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
3 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
4 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
5 9-7-23.)

6 Section 10. The Property Tax Code is amended by adding
7 Division 6 to Article 9 as follows:

8 (35 ILCS 200/Art. 9 Div. 6 heading new)

9 Division 6. Income-Producing Property

10 (35 ILCS 200/9-280 new)

11 Sec. 9-280. Definitions. As used in this Division:

12 "Expense" means an expenditure that is necessitated by
13 operation of the real property and that reduces the income
14 generated for the property owner or lessee. "Expense"
15 includes, but is not limited to, management fees, reserves for
16 replacement, maintenance expenditures, property taxes, and
17 insurance costs. "Expense" does not include debt service,
18 reserves for building additions, or income tax.

19 "Income" means revenue generated by the real property and
20 directed to or received by the property owner in the form of
21 rent from unrelated persons or entities and ancillary revenue
22 payable to the owner from unrelated persons or entities and
23 generated exclusively from the operation of the real property.

1 "Income" includes revenue from parking or other amenities
2 provided to or for the benefit of the property's tenants.

3 "Income" does not include revenue generated from personal
4 property, including, but not limited to, revenue from a
5 business enterprise that is operated on the real property or
6 improvements made to the property by a tenant.

7 "Income, expense, and occupancy data" means data that
8 identifies income, expenses, and occupancy, as defined in this
9 Section. Income and expense data may be found in annual
10 reports, income and expense statements, and Internal Revenue
11 Service Schedule E or Schedule 8825 tax forms for
12 income-producing property for the immediately preceding year.
13 Occupancy data may be found in rent rolls for the current and
14 immediately preceding year. Data may be based on a calendar
15 year or fiscal year.

16 "Occupancy" means the portion of rentable space that is
17 leased and generates income during the year. Occupancy may be
18 measured in months or fractions of the year. A rentable space
19 that is subject to a lease agreement but is not generating
20 income during any portion of the year may be considered
21 unoccupied for the time when it is not generating income.

22 "Physical description" means the land size and information
23 about the construction type, year built, total development
24 size, number of buildings, number of stories in each building,
25 and the capacity of structured parking garages, measured in
26 the number of parking spaces. "Physical description" also

1 includes the following:

2 (1) For residential property of 7 or more units:

3 (A) a description of the basement area, if any,
4 including the size of the basement area and its
5 possible uses;

6 (B) the number of studio, 1-bedroom, 2-bedroom,
7 3-bedroom, and larger units;

8 (C) a description of the pool area, if any;

9 (D) a description of the exercise area, if any;

10 and

11 (E) the number of units, if any, that are enrolled
12 in any government-administered affordable housing
13 program.

14 (2) For office properties, a description of the net
15 rentable area of the property and a statement indicating
16 whether the owner represents to actual or prospective
17 tenants that the office space can accommodate x-ray or
18 magnetic resonance imaging (MRI) equipment or surgical
19 procedures.

20 (3) For retail properties, a description of the net
21 rentable area.

22 (4) For industrial properties:

23 (A) the size and location of any office area or
24 areas on the property;

25 (B) the number of loading bay doors;

26 (C) whether the clear ceiling height on the first

1 floor is at least 18 feet but less than 24 feet, at
2 least 24 feet but less than 30 feet, or at least 30
3 feet;

4 (D) whether the property provides refrigerated
5 storage; and

6 (E) if the property is a data center, whether the
7 total megawatts available in the property is (i) less
8 than 250 megawatts, (ii) at least 250 megawatts but
9 not 500 megawatts, (iii) at least 500 megawatts but
10 less than one kilowatt, (iv) at least one kilowatt but
11 less than 5 kilowatts, or (v) 5 or more kilowatts.

12 (5) For hospitality properties, a statement indicating
13 whether the property has more than 10,000 square feet of
14 conference area and the room count.

15 "Property" has the meaning set forth in Section 1-130 of
16 this Code and includes contiguous parcels or property index
17 numbers that comprise one functional property location.

18 (35 ILCS 200/9-285 new)

19 Sec. 9-285. Voluntary delivery of income, expense, and
20 occupancy data.

21 (a) In the general assessment year and any other year in
22 which income-producing property is reassessed, the chief
23 county assessment officer may request that owners of
24 income-producing property provide the chief county assessment
25 officer with income, expense, and occupancy data for the

1 property.

2 (b) A property owner that voluntarily provides data under
3 this Section shall declare whether the property owner's books
4 and records reflecting the operation of the property are
5 maintained on a calendar year basis or a fiscal year basis and
6 shall list the last date of the calendar year or fiscal year,
7 as applicable.

8 (c) The chief county assessment officer shall maintain a
9 copy of its rules for public review and shall place a copy of
10 those rules and any amended rules on the chief county
11 assessment officer's website.

12 (d) On assessment appeal by a party that voluntarily
13 submitted data under this Section, the chief county assessment
14 officer may audit the data to verify its accuracy by
15 requesting documentation in support of submissions.

16 (e) Any personal data that is included in income, expense,
17 and occupancy data produced under this Division, including
18 federal identification numbers or social security numbers and
19 income tax returns, shall be exempt from disclosure under the
20 Freedom of Information Act. Income, expense, and occupancy
21 data submitted under this Division shall not be subject to
22 disclosure by the chief county assessment officer under the
23 Freedom of Information Act or any other applicable law or
24 under a court order in a tax or other matter. Nothing in this
25 Section prohibits a chief county assessment officer from
26 disclosing compiled and anonymized income, expense, and

1 occupancy data as provided in this Division. Data submitted as
2 part of an assessment appeal, including data that had
3 previously been submitted under this Section, is not protected
4 from disclosure under the Freedom of Information Act under
5 this subsection.

6 (f) Notwithstanding any other provision of this Division,
7 a party that delivers data related to any property shall have
8 the right at all times to: (i) obtain a copy of such income,
9 expense, and occupancy data as submitted, in its original
10 form, from the chief county assessment officer; (ii) file such
11 income, expense, and occupancy data in any public forum; or
12 (iii) authorize such filing or publication of the income,
13 expense, and occupancy data in any other manner that the owner
14 may choose.

15 (g) The chief county assessment officer shall establish
16 and maintain reasonable security measures consistent with
17 State and local law and the Federal Information Security
18 Management Act to protect income, expense, and occupancy data.

19 (h) Information disclosed under this Division shall be
20 used only for official purposes. Any person who divulges data
21 submitted under this Division, other than as permitted in this
22 Division, in accordance with a proper judicial order, or as
23 otherwise provided by law, shall be guilty of a Class B
24 misdemeanor and shall be subject to a fine not to exceed
25 \$7,500.

1 (35 ILCS 200/9-290 new)

2 Sec. 9-290. Real property descriptions.

3 (a) This Section applies to all counties with 3,000,000 or
4 more inhabitants and to all counties in which the county board
5 provides, by ordinance or resolution, that owners of
6 income-producing properties must comply with subsection (b).

7 (b) On and after the effective date of this amendatory Act
8 of the 103rd General Assembly for counties with 3,000,000 or
9 more inhabitants or on and after the effective date of the
10 ordinance or resolution adopted by the county board under
11 subsection (a) for any other counties to which this Section
12 applies, owners of income-producing properties in the county,
13 except for residential properties of fewer than 7 units, shall
14 file physical descriptions of their properties with the chief
15 county assessment officer, in the form and manner determined
16 by the chief county assessment officer. Those physical
17 descriptions shall be filed within 120 days after the chief
18 county assessment officer mails a notice to the property
19 owner. Notice to the property owner shall include description
20 records or a link to an Internet resource of description
21 records for that property.

22 (c) If, upon receiving a request for information under
23 this Section for the first time, the owner of a property fails
24 to submit the required physical description and fails to
25 adequately explain why no submission is required, the owner
26 shall pay a penalty to the chief county assessment officer of

1 up to 0.025% of the prior year's market value, as indicated by
2 the most recent certified assessed value for the property at
3 issue, but in no case shall the owner be required to pay more
4 than a maximum penalty of \$1,000 per property. The chief
5 county assessment officer shall review all submissions and
6 determine whether the owner provided sufficient evidence that
7 the owner was not required to report a property description or
8 that the submission complies based on available documentation.

9 (d) If a party is dissatisfied with a decision of the chief
10 county assessment officer, the party may request review of
11 that decision. Upon such a request, at least 30 days' notice
12 shall be provided to the party of a hearing to be conducted by
13 a hearing officer designated by the chief county assessment
14 officer. If a party is dissatisfied with a hearing officer's
15 decision, the party may appeal that decision to the circuit
16 court of the county in which the property is located as a final
17 administrative decision under the Administrative Review Law.
18 If a party is unsuccessful at hearing, the penalty imposed
19 under this Section shall bear interest at 0.05% per month
20 thereafter, beginning 21 days after the date of the decision
21 or 21 days after the date of the issuance of a final decision
22 on administrative review.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."