

# HB2265



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2265

Introduced 2/14/2023, by Rep. Ryan Spain

### SYNOPSIS AS INTRODUCED:

5 ILCS 120/3

from Ch. 102, par. 43

Amends the Open Meetings Act. Provides that a civil action for violation of the Act may be brought within 60 days after the discovery of failure to comply with specified notice requirements.

LRB103 04559 DTM 49566 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 3 as follows:

6 (5 ILCS 120/3) (from Ch. 102, par. 43)

7 Sec. 3. (a) Where the provisions of this Act are not  
8 complied with, or where there is probable cause to believe  
9 that the provisions of this Act will not be complied with, any  
10 person, including the State's Attorney of the county in which  
11 such noncompliance may occur, may bring a civil action in the  
12 circuit court for the judicial circuit in which the alleged  
13 noncompliance has occurred or is about to occur, or in which  
14 the affected public body has its principal office. The civil  
15 action described in this Section must be brought (i), prior to  
16 or within 60 days of the meeting alleged to be in violation of  
17 this Act; (ii) or, if facts concerning the meeting are not  
18 discovered within the 60-day period, within 60 days of the  
19 discovery of a violation by the State's Attorney if facts  
20 concerning the meeting are not discovered within the 60-day  
21 period described in item (i); (iii) or, if the person timely  
22 files a request for review under Section 3.5, within 60 days of  
23 the decision by the Attorney General to resolve a request for

1 review by a means other than the issuance of a binding opinion  
2 under subsection (e) of Section 3.5 if the person bringing the  
3 action has timely filed a request for review under that  
4 section; or (iv) within 60 days after the discovery of a  
5 violation of this Act by the person bringing the action if the  
6 public body against which the action is brought failed to  
7 provide notice of the meeting in accordance with Section 2.02.

8 Records that are obtained by a State's Attorney from a  
9 public body for purposes of reviewing whether the public body  
10 has complied with this Act may not be disclosed to the public.  
11 Those records, while in the possession of the State's  
12 Attorney, are exempt from disclosure under the Freedom of  
13 Information Act.

14 (b) In deciding such a case the court may examine in camera  
15 any portion of the minutes of a meeting at which a violation of  
16 the Act is alleged to have occurred, and may take such  
17 additional evidence as it deems necessary.

18 (c) The court, having due regard for orderly  
19 administration and the public interest, as well as for the  
20 interests of the parties, may grant such relief as it deems  
21 appropriate, including granting a relief by mandamus requiring  
22 that a meeting be open to the public, granting an injunction  
23 against future violations of this Act, ordering the public  
24 body to make available to the public such portion of the  
25 minutes of a meeting as is not authorized to be kept  
26 confidential under this Act, or declaring null and void any

1 final action taken at a closed meeting in violation of this  
2 Act.

3 (d) The court may assess against any party, except a  
4 State's Attorney, reasonable attorney's fees and other  
5 litigation costs reasonably incurred by any other party who  
6 substantially prevails in any action brought in accordance  
7 with this Section, provided that costs may be assessed against  
8 any private party or parties bringing an action pursuant to  
9 this Section only upon the court's determination that the  
10 action is malicious or frivolous in nature.

11 (Source: P.A. 99-714, eff. 8-5-16.)