



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2413

Introduced 2/15/2023, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

Creates the Public Official Body Camera Act. Provides that the State Board of Elections shall develop rules for the use of body cameras by public officials of the State. Specifies requirements concerning the use of body cameras. Provides that recordings made with the use of a body camera worn by a public official are not subject to disclosure under the Freedom of Information Act. Provides that the recordings may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. Provides that if a court or other finder of fact finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered, or intermittently captured in violation of the Act, then the court or other finder of fact shall consider or be instructed to consider that violation in weighing the evidence, unless the State provides a reasonable justification. Makes conforming changes to the Freedom of Information Act.

LRB103 28249 BMS 54628 b

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the Public  
5 Official Body Camera Act.

6 Section 5. Definitions. In this Act:

7 "Body camera" means an electronic camera system for  
8 creating, generating, sending, receiving, storing, displaying,  
9 and processing audiovisual recordings that may be worn about  
10 the person wearing the device.

11 "Official duties" means the duties and responsibilities of  
12 the public official that may vary depending on the role of the  
13 public official.

14 "Public official" means any person who is elected or  
15 appointed to public office.

16 Section 10. Requirements; body cameras.

17 (a) The State Board of Elections shall develop rules for  
18 the use of body cameras by public officials of this State. The  
19 policy adopted must include, at a minimum, all of the  
20 following:

21 (1) Cameras must be equipped with pre-event recording,  
22 capable of recording at least the 30 seconds prior to

1 camera activation.

2 (2) Cameras must be capable of recording for a period  
3 of 10 hours or more.

4 (3) Cameras must be turned on at all times when the  
5 public official is engaged in his or her official duties.  
6 The State Board of Elections shall prescribe when a public  
7 official needs to wear a body camera to be in compliance  
8 with this Act.

9 (4) The public official must provide notice of  
10 recording to any person if the person has a reasonable  
11 expectation of privacy and proof of notice must be evident  
12 in the recording.

13 (5) Recordings made on a body camera worn by a public  
14 official must be retained on a recording medium for a  
15 period of 90 days. Under no circumstances shall any  
16 recording made with an body camera worn by a public  
17 official be altered, erased, or destroyed prior to the  
18 expiration of the 90-day storage period.

19 (6) For the purposes of redaction, labeling, or  
20 duplicating recordings, access to camera recordings shall  
21 be restricted to only those personnel responsible for  
22 those purposes.

23 (b) Recordings made with the use of a body camera worn by a  
24 public official are not subject to disclosure under the  
25 Freedom of Information Act. Only recordings or portions of  
26 recordings responsive to the request shall be available for

1 inspection or reproduction. Nothing in this subsection (b)  
2 shall require the disclosure of any recording or portion of  
3 any recording which would be exempt from disclosure under the  
4 Freedom of Information Act. Nothing in this Section shall  
5 limit access to a camera recording for the purposes of  
6 complying with Supreme Court rules or the rules of evidence.

7 Section 15. Evidence. The recordings may be used as  
8 evidence in any administrative, judicial, legislative, or  
9 disciplinary proceeding. If a court or other finder of fact  
10 finds by a preponderance of the evidence that a recording was  
11 intentionally not captured, destroyed, altered, or  
12 intermittently captured in violation of this Act, then the  
13 court or other finder of fact shall consider or be instructed  
14 to consider that violation in weighing the evidence, unless  
15 the State provides a reasonable justification.

16 Section 105. The Freedom of Information Act is amended by  
17 changing Section 7.5 as follows:

18 (5 ILCS 140/7.5)

19 Sec. 7.5. Statutory exemptions. To the extent provided for  
20 by the statutes referenced below, the following shall be  
21 exempt from inspection and copying:

22 (a) All information determined to be confidential  
23 under Section 4002 of the Technology Advancement and

1 Development Act.

2 (b) Library circulation and order records identifying  
3 library users with specific materials under the Library  
4 Records Confidentiality Act.

5 (c) Applications, related documents, and medical  
6 records received by the Experimental Organ Transplantation  
7 Procedures Board and any and all documents or other  
8 records prepared by the Experimental Organ Transplantation  
9 Procedures Board or its staff relating to applications it  
10 has received.

11 (d) Information and records held by the Department of  
12 Public Health and its authorized representatives relating  
13 to known or suspected cases of sexually transmissible  
14 disease or any information the disclosure of which is  
15 restricted under the Illinois Sexually Transmissible  
16 Disease Control Act.

17 (e) Information the disclosure of which is exempted  
18 under Section 30 of the Radon Industry Licensing Act.

19 (f) Firm performance evaluations under Section 55 of  
20 the Architectural, Engineering, and Land Surveying  
21 Qualifications Based Selection Act.

22 (g) Information the disclosure of which is restricted  
23 and exempted under Section 50 of the Illinois Prepaid  
24 Tuition Act.

25 (h) Information the disclosure of which is exempted  
26 under the State Officials and Employees Ethics Act, and

1 records of any lawfully created State or local inspector  
2 general's office that would be exempt if created or  
3 obtained by an Executive Inspector General's office under  
4 that Act.

5 (i) Information contained in a local emergency energy  
6 plan submitted to a municipality in accordance with a  
7 local emergency energy plan ordinance that is adopted  
8 under Section 11-21.5-5 of the Illinois Municipal Code.

9 (j) Information and data concerning the distribution  
10 of surcharge moneys collected and remitted by carriers  
11 under the Emergency Telephone System Act.

12 (k) Law enforcement officer identification information  
13 or driver identification information compiled by a law  
14 enforcement agency or the Department of Transportation  
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential  
17 health care facility resident sexual assault and death  
18 review team or the Executive Council under the Abuse  
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending  
21 database created pursuant to Article 3 of the Residential  
22 Real Property Disclosure Act, except to the extent  
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of  
25 compensation and expenses for court appointed trial  
26 counsel as provided under Sections 10 and 15 of the

1 Capital Crimes Litigation Act. This subsection (n) shall  
2 apply until the conclusion of the trial of the case, even  
3 if the prosecution chooses not to pursue the death penalty  
4 prior to trial or sentencing.

5 (o) Information that is prohibited from being  
6 disclosed under Section 4 of the Illinois Health and  
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,  
9 investigation reports, surveys, schedules, lists, data, or  
10 information compiled, collected, or prepared by or for the  
11 Department of Transportation under Sections 2705-300 and  
12 2705-616 of the Department of Transportation Law of the  
13 Civil Administrative Code of Illinois, the Regional  
14 Transportation Authority under Section 2.11 of the  
15 Regional Transportation Authority Act, or the St. Clair  
16 County Transit District under the Bi-State Transit Safety  
17 Act.

18 (q) Information prohibited from being disclosed by the  
19 Personnel Record Review Act.

20 (r) Information prohibited from being disclosed by the  
21 Illinois School Student Records Act.

22 (s) Information the disclosure of which is restricted  
23 under Section 5-108 of the Public Utilities Act.

24 (t) All identified or deidentified health information  
25 in the form of health data or medical records contained  
26 in, stored in, submitted to, transferred by, or released

1 from the Illinois Health Information Exchange, and  
2 identified or deidentified health information in the form  
3 of health data and medical records of the Illinois Health  
4 Information Exchange in the possession of the Illinois  
5 Health Information Exchange Office due to its  
6 administration of the Illinois Health Information  
7 Exchange. The terms "identified" and "deidentified" shall  
8 be given the same meaning as in the Health Insurance  
9 Portability and Accountability Act of 1996, Public Law  
10 104-191, or any subsequent amendments thereto, and any  
11 regulations promulgated thereunder.

12 (u) Records and information provided to an independent  
13 team of experts under the Developmental Disability and  
14 Mental Health Safety Act (also known as Brian's Law).

15 (v) Names and information of people who have applied  
16 for or received Firearm Owner's Identification Cards under  
17 the Firearm Owners Identification Card Act or applied for  
18 or received a concealed carry license under the Firearm  
19 Concealed Carry Act, unless otherwise authorized by the  
20 Firearm Concealed Carry Act; and databases under the  
21 Firearm Concealed Carry Act, records of the Concealed  
22 Carry Licensing Review Board under the Firearm Concealed  
23 Carry Act, and law enforcement agency objections under the  
24 Firearm Concealed Carry Act.

25 (v-5) Records of the Firearm Owner's Identification  
26 Card Review Board that are exempted from disclosure under



1 Section 10 of the Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is  
3 exempted from disclosure under subsection (g) of Section  
4 19.1 of the Toll Highway Act.

5 (x) Information which is exempted from disclosure  
6 under Section 5-1014.3 of the Counties Code or Section  
7 8-11-21 of the Illinois Municipal Code.

8 (y) Confidential information under the Adult  
9 Protective Services Act and its predecessor enabling  
10 statute, the Elder Abuse and Neglect Act, including  
11 information about the identity and administrative finding  
12 against any caregiver of a verified and substantiated  
13 decision of abuse, neglect, or financial exploitation of  
14 an eligible adult maintained in the Registry established  
15 under Section 7.5 of the Adult Protective Services Act.

16 (z) Records and information provided to a fatality  
17 review team or the Illinois Fatality Review Team Advisory  
18 Council under Section 15 of the Adult Protective Services  
19 Act.

20 (aa) Information which is exempted from disclosure  
21 under Section 2.37 of the Wildlife Code.

22 (bb) Information which is or was prohibited from  
23 disclosure by the Juvenile Court Act of 1987.

24 (cc) Recordings made under the Law Enforcement  
25 Officer-Worn Body Camera Act, except to the extent  
26 authorized under that Act.

1           (dd) Information that is prohibited from being  
2 disclosed under Section 45 of the Condominium and Common  
3 Interest Community Ombudsperson Act.

4           (ee) Information that is exempted from disclosure  
5 under Section 30.1 of the Pharmacy Practice Act.

6           (ff) Information that is exempted from disclosure  
7 under the Revised Uniform Unclaimed Property Act.

8           (gg) Information that is prohibited from being  
9 disclosed under Section 7-603.5 of the Illinois Vehicle  
10 Code.

11          (hh) Records that are exempt from disclosure under  
12 Section 1A-16.7 of the Election Code.

13          (ii) Information which is exempted from disclosure  
14 under Section 2505-800 of the Department of Revenue Law of  
15 the Civil Administrative Code of Illinois.

16          (jj) Information and reports that are required to be  
17 submitted to the Department of Labor by registering day  
18 and temporary labor service agencies but are exempt from  
19 disclosure under subsection (a-1) of Section 45 of the Day  
20 and Temporary Labor Services Act.

21          (kk) Information prohibited from disclosure under the  
22 Seizure and Forfeiture Reporting Act.

23          (ll) Information the disclosure of which is restricted  
24 and exempted under Section 5-30.8 of the Illinois Public  
25 Aid Code.

26          (mm) Records that are exempt from disclosure under

1 Section 4.2 of the Crime Victims Compensation Act.

2 (nn) Information that is exempt from disclosure under  
3 Section 70 of the Higher Education Student Assistance Act.

4 (oo) Communications, notes, records, and reports  
5 arising out of a peer support counseling session  
6 prohibited from disclosure under the First Responders  
7 Suicide Prevention Act.

8 (pp) Names and all identifying information relating to  
9 an employee of an emergency services provider or law  
10 enforcement agency under the First Responders Suicide  
11 Prevention Act.

12 (qq) Information and records held by the Department of  
13 Public Health and its authorized representatives collected  
14 under the Reproductive Health Act.

15 (rr) Information that is exempt from disclosure under  
16 the Cannabis Regulation and Tax Act.

17 (ss) Data reported by an employer to the Department of  
18 Human Rights pursuant to Section 2-108 of the Illinois  
19 Human Rights Act.

20 (tt) Recordings made under the Children's Advocacy  
21 Center Act, except to the extent authorized under that  
22 Act.

23 (uu) Information that is exempt from disclosure under  
24 Section 50 of the Sexual Assault Evidence Submission Act.

25 (vv) Information that is exempt from disclosure under  
26 subsections (f) and (j) of Section 5-36 of the Illinois

1 Public Aid Code.

2 (ww) Information that is exempt from disclosure under  
3 Section 16.8 of the State Treasurer Act.

4 (xx) Information that is exempt from disclosure or  
5 information that shall not be made public under the  
6 Illinois Insurance Code.

7 (yy) Information prohibited from being disclosed under  
8 the Illinois Educational Labor Relations Act.

9 (zz) Information prohibited from being disclosed under  
10 the Illinois Public Labor Relations Act.

11 (aaa) Information prohibited from being disclosed  
12 under Section 1-167 of the Illinois Pension Code.

13 (bbb) Information that is prohibited from disclosure  
14 by the Illinois Police Training Act and the Illinois State  
15 Police Act.

16 (ccc) Records exempt from disclosure under Section  
17 2605-304 of the Illinois State Police Law of the Civil  
18 Administrative Code of Illinois.

19 (ddd) Information prohibited from being disclosed  
20 under Section 35 of the Address Confidentiality for  
21 Victims of Domestic Violence, Sexual Assault, Human  
22 Trafficking, or Stalking Act.

23 (eee) Information prohibited from being disclosed  
24 under subsection (b) of Section 75 of the Domestic  
25 Violence Fatality Review Act.

26 (fff) Images from cameras under the Expressway Camera

1 Act. This subsection (fff) is inoperative on and after  
2 July 1, 2023.

3 (ggg) Information prohibited from disclosure under  
4 paragraph (3) of subsection (a) of Section 14 of the Nurse  
5 Agency Licensing Act.

6 (hhh) Information submitted to the Department of State  
7 Police in an affidavit or application for an assault  
8 weapon endorsement, assault weapon attachment endorsement,  
9 .50 caliber rifle endorsement, or .50 caliber cartridge  
10 endorsement under the Firearm Owners Identification Card  
11 Act.

12 (iii) Recordings made under the Public Official Body  
13 Camera Act, except to the extent authorized under that  
14 Act.

15 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
16 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
17 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
18 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
19 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
20 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
21 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
22 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
23 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)