



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3302

Introduced 2/17/2023, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2

from Ch. 102, par. 42

405 ILCS 5/6-103.3

Amends the Open Meetings Act. Provides that a public body may hold a closed meeting to consider security procedures, school building safety and security, and the use of personnel, equipment, reporting to law enforcement, or legal action to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. Amends the Mental Health and Developmental Disabilities Code. Provides that the Illinois State Police, in conjunction with the Illinois State Board of Education and the Illinois Board of Higher Education, shall prescribe the form and manner that the school administrator shall notify the Illinois State Police of the determination. Provides that when the Illinois State Police is notified by a school administrator that a person has been determined to pose a clear and present danger, within 24 hours of receiving the notification, it shall notify a local law enforcement agency where the person resides and, if applicable, a local law enforcement agency where the school administrator's school is located of that determination. The Illinois State Police shall determine whether to revoke the person's Firearm Owner's Identification Card, if applicable, and in consultation with local law enforcement, whether an Illinois State Police Officer will file a petition under the Firearms Restraining Order Act with that person as the respondent. Provides that within 24 hours after a school administrator makes a notification pursuant to this provision, the Illinois State Police shall notify the school administrator in writing of its determination about whether to file an action under the Firearms Restraining Order Act with that person as the respondent. Makes other changes. Effective immediately.

LRB103 29563 RLC 55958 b

1 AN ACT concerning firearms.

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 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (5) The purchase or lease of real property for the use
5 of the public body, including meetings held for the
6 purpose of discussing whether a particular parcel should
7 be acquired.

8 (6) The setting of a price for sale or lease of
9 property owned by the public body.

10 (7) The sale or purchase of securities, investments,
11 or investment contracts. This exception shall not apply to
12 the investment of assets or income of funds deposited into
13 the Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel, ~~and~~ equipment, ~~and~~
16 reporting to law enforcement, or legal action to respond
17 to an actual, a threatened, or a reasonably potential
18 danger to the safety of employees, students, staff, the
19 public, or public property.

20 (9) Student disciplinary cases.

21 (10) The placement of individual students in special
22 education programs and other matters relating to
23 individual students.

24 (11) Litigation, when an action against, affecting or
25 on behalf of the particular public body has been filed and
26 is pending before a court or administrative tribunal, or

1 when the public body finds that an action is probable or
2 imminent, in which case the basis for the finding shall be
3 recorded and entered into the minutes of the closed
4 meeting.

5 (12) The establishment of reserves or settlement of
6 claims as provided in the Local Governmental and
7 Governmental Employees Tort Immunity Act, if otherwise the
8 disposition of a claim or potential claim might be
9 prejudiced, or the review or discussion of claims, loss or
10 risk management information, records, data, advice or
11 communications from or with respect to any insurer of the
12 public body or any intergovernmental risk management
13 association or self insurance pool of which the public
14 body is a member.

15 (13) Conciliation of complaints of discrimination in
16 the sale or rental of housing, when closed meetings are
17 authorized by the law or ordinance prescribing fair
18 housing practices and creating a commission or
19 administrative agency for their enforcement.

20 (14) Informant sources, the hiring or assignment of
21 undercover personnel or equipment, or ongoing, prior or
22 future criminal investigations, when discussed by a public
23 body with criminal investigatory responsibilities.

24 (15) Professional ethics or performance when
25 considered by an advisory body appointed to advise a
26 licensing or regulatory agency on matters germane to the

1 advisory body's field of competence.

2 (16) Self evaluation, practices and procedures or
3 professional ethics, when meeting with a representative of
4 a statewide association of which the public body is a
5 member.

6 (17) The recruitment, credentialing, discipline or
7 formal peer review of physicians or other health care
8 professionals, or for the discussion of matters protected
9 under the federal Patient Safety and Quality Improvement
10 Act of 2005, and the regulations promulgated thereunder,
11 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
12 Health Insurance Portability and Accountability Act of
13 1996, and the regulations promulgated thereunder,
14 including 45 C.F.R. Parts 160, 162, and 164, by a
15 hospital, or other institution providing medical care,
16 that is operated by the public body.

17 (18) Deliberations for decisions of the Prisoner
18 Review Board.

19 (19) Review or discussion of applications received
20 under the Experimental Organ Transplantation Procedures
21 Act.

22 (20) The classification and discussion of matters
23 classified as confidential or continued confidential by
24 the State Government Suggestion Award Board.

25 (21) Discussion of minutes of meetings lawfully closed
26 under this Act, whether for purposes of approval by the

1 body of the minutes or semi-annual review of the minutes
2 as mandated by Section 2.06.

3 (22) Deliberations for decisions of the State
4 Emergency Medical Services Disciplinary Review Board.

5 (23) The operation by a municipality of a municipal
6 utility or the operation of a municipal power agency or
7 municipal natural gas agency when the discussion involves
8 (i) contracts relating to the purchase, sale, or delivery
9 of electricity or natural gas or (ii) the results or
10 conclusions of load forecast studies.

11 (24) Meetings of a residential health care facility
12 resident sexual assault and death review team or the
13 Executive Council under the Abuse Prevention Review Team
14 Act.

15 (25) Meetings of an independent team of experts under
16 Brian's Law.

17 (26) Meetings of a mortality review team appointed
18 under the Department of Juvenile Justice Mortality Review
19 Team Act.

20 (27) (Blank).

21 (28) Correspondence and records (i) that may not be
22 disclosed under Section 11-9 of the Illinois Public Aid
23 Code or (ii) that pertain to appeals under Section 11-8 of
24 the Illinois Public Aid Code.

25 (29) Meetings between internal or external auditors
26 and governmental audit committees, finance committees, and

1 their equivalents, when the discussion involves internal
2 control weaknesses, identification of potential fraud risk
3 areas, known or suspected frauds, and fraud interviews
4 conducted in accordance with generally accepted auditing
5 standards of the United States of America.

6 (30) Those meetings or portions of meetings of a
7 fatality review team or the Illinois Fatality Review Team
8 Advisory Council during which a review of the death of an
9 eligible adult in which abuse or neglect is suspected,
10 alleged, or substantiated is conducted pursuant to Section
11 15 of the Adult Protective Services Act.

12 (31) Meetings and deliberations for decisions of the
13 Concealed Carry Licensing Review Board under the Firearm
14 Concealed Carry Act.

15 (32) Meetings between the Regional Transportation
16 Authority Board and its Service Boards when the discussion
17 involves review by the Regional Transportation Authority
18 Board of employment contracts under Section 28d of the
19 Metropolitan Transit Authority Act and Sections 3A.18 and
20 3B.26 of the Regional Transportation Authority Act.

21 (33) Those meetings or portions of meetings of the
22 advisory committee and peer review subcommittee created
23 under Section 320 of the Illinois Controlled Substances
24 Act during which specific controlled substance prescriber,
25 dispenser, or patient information is discussed.

26 (34) Meetings of the Tax Increment Financing Reform

1 Task Force under Section 2505-800 of the Department of
2 Revenue Law of the Civil Administrative Code of Illinois.

3 (35) Meetings of the group established to discuss
4 Medicaid capitation rates under Section 5-30.8 of the
5 Illinois Public Aid Code.

6 (36) Those deliberations or portions of deliberations
7 for decisions of the Illinois Gaming Board in which there
8 is discussed any of the following: (i) personal,
9 commercial, financial, or other information obtained from
10 any source that is privileged, proprietary, confidential,
11 or a trade secret; or (ii) information specifically
12 exempted from the disclosure by federal or State law.

13 (37) Deliberations for decisions of the Illinois Law
14 Enforcement Training Standards Board, the Certification
15 Review Panel, and the Illinois State Police Merit Board
16 regarding certification and decertification.

17 (38) Meetings of the Ad Hoc Statewide Domestic
18 Violence Fatality Review Committee of the Illinois
19 Criminal Justice Information Authority Board that occur in
20 closed executive session under subsection (d) of Section
21 35 of the Domestic Violence Fatality Review Act.

22 (39) Meetings of the regional review teams under
23 subsection (a) of Section 75 of the Domestic Violence
24 Fatality Review Act.

25 (40) Meetings of the Firearm Owner's Identification
26 Card Review Board under Section 10 of the Firearm Owners

1 Identification Card Act.

2 (d) Definitions. For purposes of this Section:

3 "Employee" means a person employed by a public body whose
4 relationship with the public body constitutes an
5 employer-employee relationship under the usual common law
6 rules, and who is not an independent contractor.

7 "Public office" means a position created by or under the
8 Constitution or laws of this State, the occupant of which is
9 charged with the exercise of some portion of the sovereign
10 power of this State. The term "public office" shall include
11 members of the public body, but it shall not include
12 organizational positions filled by members thereof, whether
13 established by law or by a public body itself, that exist to
14 assist the body in the conduct of its business.

15 "Quasi-adjudicative body" means an administrative body
16 charged by law or ordinance with the responsibility to conduct
17 hearings, receive evidence or testimony and make
18 determinations based thereon, but does not include local
19 electoral boards when such bodies are considering petition
20 challenges.

21 (e) Final action. No final action may be taken at a closed
22 meeting. Final action shall be preceded by a public recital of
23 the nature of the matter being considered and other
24 information that will inform the public of the business being
25 conducted.

26 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;

1 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
2 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

3 Section 10. The Mental Health and Developmental
4 Disabilities Code is amended by changing Section 6-103.3 as
5 follows:

6 (405 ILCS 5/6-103.3)

7 Sec. 6-103.3. Clear and present danger; notice.

8 (a) If a person is determined to pose a clear and present
9 danger to himself, herself, or to others by a physician,
10 clinical psychologist, or qualified examiner, whether employed
11 by the State, by any public or private mental health facility
12 or part thereof, or by a law enforcement official or a school
13 administrator, then the physician, clinical psychologist,
14 qualified examiner shall notify the Department of Human
15 Services and a law enforcement official or school
16 administrator shall notify the Illinois State Police, within
17 24 hours of making the determination that the person poses a
18 clear and present danger. The Illinois State Police, in
19 conjunction with the Illinois State Board of Education and the
20 Illinois Board of Higher Education, shall prescribe the form
21 and manner that the school administrator shall notify the
22 Illinois State Police of the determination. The Department of
23 Human Services shall immediately update its records and
24 information relating to mental health and developmental

1 disabilities, and if appropriate, shall notify the Illinois
2 State Police in a form and manner prescribed by the Illinois
3 State Police. When the Illinois State Police is notified by a
4 school administrator pursuant to this Section that a person
5 has been determined to pose a clear and present danger, within
6 24 hours of receiving the notification, it shall notify a
7 local law enforcement agency where the person resides and, if
8 applicable, a local law enforcement agency where the school
9 administrator's school is located of that determination. The
10 Illinois State Police shall determine whether to revoke the
11 person's Firearm Owner's Identification Card, if applicable,
12 and in consultation with local law enforcement, whether an
13 Illinois State Police Officer will file a petition under the
14 Firearms Restraining Order Act with that person as the
15 respondent. Within 24 hours after a school administrator makes
16 a notification pursuant to this Section, the Illinois State
17 Police shall notify the school administrator in writing of its
18 determination about whether to file an action under the
19 Firearms Restraining Order Act with that person as the
20 respondent. Before October 1, 2023, the Illinois State Police,
21 in consultation with the Illinois State Board of Education and
22 the Illinois Board of Higher Education, shall develop and
23 maintain a resource guide for school administrators that sets
24 forth guidelines, considerations of confidentiality and best
25 practices for school administrators in making a determination
26 that a person poses a clear and present danger pursuant to this

1 Section. That resource guide shall be made available on the
2 Internet websites of the Illinois State Police, Illinois State
3 Board of Education, and Illinois Board of Higher Education.
4 The Illinois State Police, in conjunction with the Illinois
5 State Board of Education and the Illinois Board of Higher
6 Education, may adopt such rules as may be necessary to
7 implement and administer this Section.

8 (b) Information disclosed under this Section shall remain
9 privileged and confidential, and shall not be redisclosed,
10 except as required under subsection (e) of Section 3.1 of the
11 Firearm Owners Identification Card Act or for the purpose of
12 an action under the Firearms Restraining Order Act, nor used
13 for any other purpose. The method of providing this
14 information shall guarantee that the information is not
15 released beyond that which is necessary for the purposes
16 provided by ~~purpose of~~ this Section and shall be provided by
17 rule by the Department of Human Services. The identity of the
18 person reporting under this Section shall not be disclosed to
19 the subject of the report. The physician, clinical
20 psychologist, qualified examiner, law enforcement official, or
21 school administrator making the determination and his or her
22 employer shall not be held criminally, civilly, or
23 professionally liable for making or not making the
24 notification required under this Section, except for willful
25 or wanton misconduct. This Section does not apply to a law
26 enforcement official, if making the notification under this

1 Section will interfere with an ongoing or pending criminal
2 investigation.

3 (c) For the purposes of this Section:

4 "Clear and present danger" has the meaning ascribed to
5 it in Section 1.1 of the Firearm Owners Identification
6 Card Act.

7 "Determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, or qualified examiner" means in the
10 professional opinion of the physician, clinical
11 psychologist, or qualified examiner, a person poses a
12 clear and present danger.

13 "School administrator" means the person required to
14 report under the School Administrator Reporting of Mental
15 Health Clear and Present Danger Determinations Law.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.