



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3815

Introduced 2/17/2023, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
50 ILCS 706/10-10
50 ILCS 706/10-20
50 ILCS 707/15
50 ILCS 707/20
720 ILCS 5/14-3

Amends the Law Enforcement Officer-Worn Body Camera Act. Provides that a law enforcement officer is "in uniform" only when primarily assigned to respond to law enforcement-related encounters or activities. Adds a definition for "no expectation of privacy". Provides that, on and after January 1, 2026, an officer no longer needs to provide notice of recording to a person that has a reasonable expectation of privacy. In provisions relating to exceptions to destruction of camera recordings if a recording has been flagged, provides that an encounter is deemed to be flagged when a formal investigation or informal inquiry has commenced (rather than a formal or informal complaint has been filed). Modifies when recordings may be used to discipline law enforcement officers. Provides that recordings are only subject to disclosure under the Freedom of Information Act when a recording is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm and the subject of the encounter has a reasonable expectation of privacy at the time of the recording (removing other exceptions). Provides that only the subject of the recording or the subject's legal representative may obtain the portion of the recording containing the subject if they provide written authorization to release the video. Makes other changes. Amends the Law Enforcement Camera Grant Act. Removes a requirement to include criminal and other violations and civil proceedings in which the cameras were used in reports that must be provided by a law enforcement agency receiving a grant for in-car video cameras or for officer-worn body cameras. Amends the Criminal Code of 2012 and Freedom of Information Act making conforming changes.

LRB103 30118 AWJ 56542 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

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

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

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

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act. This subsection (n) shall
16 apply until the conclusion of the trial of the case, even
17 if the prosecution chooses not to pursue the death penalty
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

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

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

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

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

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality
5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
7 Act.

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

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

12 (cc) Recordings or portions of recordings ~~made~~ under
13 the Law Enforcement Officer-Worn Body Camera Act, except
14 to the extent authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

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

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

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

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

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

4 (jj) Information and reports that are required to be
5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

14 (mm) Records that are exempt from disclosure under
15 Section 4.2 of the Crime Victims Compensation Act.

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

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

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

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

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

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

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

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

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

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

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

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2023.

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

20 (hhh) Information submitted to the Illinois Department
21 ~~of~~ State Police in an affidavit or application for an
22 assault weapon endorsement, assault weapon attachment
23 endorsement, .50 caliber rifle endorsement, or .50 caliber
24 cartridge endorsement under the Firearm Owners
25 Identification Card Act.

26 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;

1 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
2 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
3 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
4 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
5 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
6 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
8 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised
9 2-13-23.)

10 Section 10. The Law Enforcement Officer-Worn Body Camera
11 Act is amended by changing Sections 10-10 and 10-20 as
12 follows:

13 (50 ILCS 706/10-10)

14 Sec. 10-10. Definitions. As used in this Act:

15 "Badge" means an officer's department issued
16 identification number associated with his or her position as a
17 police officer with that department.

18 "Board" means the Illinois Law Enforcement Training
19 Standards Board created by the Illinois Police Training Act.

20 "Business offense" means a petty offense for which the
21 fine is in excess of \$1,000.

22 "Community caretaking function" means a task undertaken by
23 a law enforcement officer in which the officer is performing
24 an articulable act unrelated to the investigation of a crime.

1 "Community caretaking function" includes, but is not limited
2 to, participating in town halls or other community outreach,
3 helping a child find his or her parents, providing death
4 notifications, and performing in-home or hospital well-being
5 checks on the sick, elderly, or persons presumed missing.
6 "Community caretaking function" excludes law
7 enforcement-related encounters or activities.

8 "Fund" means the Law Enforcement Camera Grant Fund.

9 "In uniform" means a law enforcement officer who is
10 wearing any officially authorized uniform designated by a law
11 enforcement agency, or a law enforcement officer who is
12 visibly wearing articles of clothing, a badge, tactical gear,
13 gun belt, a patch, or other insignia that he or she is a law
14 enforcement officer acting in the course of his or her duties.
15 A law enforcement officer is "in uniform" only when primarily
16 assigned to respond to law enforcement-related encounters or
17 activities and is not "in uniform" when primarily assigned to
18 other law enforcement duties that are not law
19 enforcement-related encounters or activities.

20 "Law enforcement officer" or "officer" means any person
21 employed by a State, county, municipality, special district,
22 college, unit of government, or any other entity authorized by
23 law to employ peace officers or exercise police authority and
24 who is primarily responsible for the prevention or detection
25 of crime and the enforcement of the laws of this State.

26 "Law enforcement agency" means all State agencies with law

1 enforcement officers, county sheriff's offices, municipal,
2 special district, college, or unit of local government police
3 departments.

4 "Law enforcement-related encounters or activities"
5 include, but are not limited to, traffic stops, pedestrian
6 stops, arrests, searches, interrogations, investigations,
7 pursuits, crowd control, traffic control, non-community
8 caretaking interactions with an individual while on patrol, or
9 any other instance in which the officer is enforcing the laws
10 of the municipality, county, or State. "Law
11 enforcement-related encounter or activities" does not include
12 when the officer is completing paperwork alone, is
13 participating in training in a classroom setting, or is only
14 in the presence of another law enforcement officer.

15 "Minor traffic offense" means a petty offense, business
16 offense, or Class C misdemeanor under the Illinois Vehicle
17 Code or a similar provision of a municipal or local ordinance.

18 "No expectation of privacy" means when a person is in a
19 publicly accessible area or when a person is engaging with law
20 enforcement officers during the scope of an officer's official
21 duties, even when the engagement is in a private residence
22 when officers are lawfully present in the residence during the
23 course of official duties.

24 "Officer-worn body camera" means an electronic camera
25 system for creating, generating, sending, receiving, storing,
26 displaying, and processing audiovisual recordings that may be

1 worn about the person of a law enforcement officer.

2 "Peace officer" has the meaning provided in Section 2-13
3 of the Criminal Code of 2012.

4 "Petty offense" means any offense for which a sentence of
5 imprisonment is not an authorized disposition.

6 "Recording" means the process of capturing data or
7 information stored on a recording medium as required under
8 this Act.

9 "Recording medium" means any recording medium authorized
10 by the Board for the retention and playback of recorded audio
11 and video including, but not limited to, VHS, DVD, hard drive,
12 cloud storage, solid state, digital, flash memory technology,
13 or any other electronic medium.

14 (Source: P.A. 102-1104, eff. 12-6-22.)

15 (50 ILCS 706/10-20)

16 Sec. 10-20. Requirements.

17 (a) The Board shall develop basic guidelines for the use
18 of officer-worn body cameras by law enforcement agencies. The
19 guidelines developed by the Board shall be the basis for the
20 written policy which must be adopted by each law enforcement
21 agency which employs the use of officer-worn body cameras. The
22 written policy adopted by the law enforcement agency must
23 include, at a minimum, all of the following:

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

1 camera activation, unless the officer-worn body camera was
2 purchased and acquired by the law enforcement agency prior
3 to July 1, 2015.

4 (2) Cameras must be capable of recording for a period
5 of 10 hours or more, unless the officer-worn body camera
6 was purchased and acquired by the law enforcement agency
7 prior to July 1, 2015.

8 (3) Cameras must be turned on at all times when the
9 officer is in uniform and is responding to calls for
10 service or engaged in any law enforcement-related
11 encounter or activity that occurs while the officer is on
12 duty.

13 (A) If exigent circumstances exist which prevent
14 the camera from being turned on, the camera must be
15 turned on as soon as practicable.

16 (B) Officer-worn body cameras may be turned off
17 when the officer is inside of a patrol car which is
18 equipped with a functioning in-car camera; however,
19 the officer must turn on the camera upon exiting the
20 patrol vehicle for law enforcement-related encounters.

21 (C) Officer-worn body cameras may be turned off
22 when the officer is inside a correctional facility or
23 courthouse which is equipped with a functioning camera
24 system.

25 (4) Cameras must be turned off when:

26 (A) the victim of a crime requests that the camera

1 be turned off, and unless impractical or impossible,
2 that request is made on the recording;

3 (B) a witness of a crime or a community member who
4 wishes to report a crime requests that the camera be
5 turned off, and unless impractical or impossible that
6 request is made on the recording;

7 (C) the officer is interacting with a confidential
8 informant used by the law enforcement agency; or

9 (D) an officer of the Department of Revenue enters
10 a Department of Revenue facility or conducts an
11 interview during which return information will be
12 discussed or visible.

13 However, an officer may continue to record or resume
14 recording a victim or a witness, if exigent circumstances
15 exist, or if the officer has reasonable articulable
16 suspicion that a victim or witness, or confidential
17 informant has committed or is in the process of committing
18 a crime. Under these circumstances, and unless impractical
19 or impossible, the officer must indicate on the recording
20 the reason for continuing to record despite the request of
21 the victim or witness.

22 (4.5) Cameras may be turned off when the officer is
23 engaged in community caretaking functions. However, the
24 camera must be turned on when the officer has reason to
25 believe that the person on whose behalf the officer is
26 performing a community caretaking function has committed

1 or is in the process of committing a crime. If exigent
2 circumstances exist which prevent the camera from being
3 turned on, the camera must be turned on as soon as
4 practicable.

5 (5) Before January 1, 2026, an ~~The~~ officer must
6 provide notice of recording to any person if the person
7 has a reasonable expectation of privacy. Proof ~~and proof~~
8 of notice must be evident in the recording. If exigent
9 circumstances exist which prevent the officer from
10 providing notice, notice must be provided as soon as
11 practicable.

12 (6) (A) For the purposes of redaction or duplicating
13 recordings, access to camera recordings shall be
14 restricted to only those personnel responsible for those
15 purposes. The recording officer or his or her supervisor
16 may not redact, duplicate, or otherwise alter the
17 recording officer's camera recordings. Except as otherwise
18 provided in this Section, the recording officer and his or
19 her supervisor may access and review recordings prior to
20 completing incident reports or other documentation,
21 provided that the supervisor discloses that fact in the
22 report or documentation.

23 (i) A law enforcement officer shall not have
24 access to or review his or her body-worn camera
25 recordings or the body-worn camera recordings of
26 another officer prior to completing incident reports

1 or other documentation when the officer:

2 (a) has been involved in or is a witness to an
3 officer-involved shooting, use of deadly force
4 incident, or use of force incidents resulting in
5 great bodily harm;

6 (b) is ordered to write a report in response
7 to or during the investigation of a misconduct
8 complaint against the officer.

9 (ii) If the officer subject to subparagraph (i)
10 prepares a report, any report shall be prepared
11 without viewing body-worn camera recordings, and
12 subject to supervisor's approval, officers may file
13 amendatory reports after viewing body-worn camera
14 recordings. Supplemental reports under this provision
15 shall also contain documentation regarding access to
16 the video footage.

17 (B) The recording officer's assigned field
18 training officer may access and review recordings for
19 training purposes. Any detective or investigator
20 directly involved in the investigation of a matter may
21 access and review recordings which pertain to that
22 investigation but may not have access to delete or
23 alter such recordings.

24 (7) Recordings made on officer-worn cameras must be
25 retained by the law enforcement agency or by the camera
26 vendor used by the agency, on a recording medium for a

1 period of 90 days.

2 (A) Under no circumstances shall any recording,
3 except for a non-law enforcement related activity or
4 encounter, made with an officer-worn body camera be
5 altered, erased, or destroyed prior to the expiration
6 of the 90-day storage period. In the event any
7 recording made with an officer-worn body camera is
8 altered, erased, or destroyed prior to the expiration
9 of the 90-day storage period, the law enforcement
10 agency shall maintain, for a period of one year, a
11 written record including (i) the name of the
12 individual who made such alteration, erasure, or
13 destruction, and (ii) the reason for any such
14 alteration, erasure, or destruction.

15 (B) Following the 90-day storage period, any and
16 all recordings made with an officer-worn body camera
17 must be destroyed, unless any encounter captured on
18 the recording has been flagged. An encounter is deemed
19 to be flagged when:

20 (i) a formal investigation or informal
21 inquiry, as those terms are defined in Section 2
22 of the Uniform Peace Officers' Disciplinary Act,
23 has commenced ~~complaint has been filed;~~

24 (ii) the officer discharged his or her firearm
25 or used force during the encounter;

26 (iii) death or great bodily harm occurred to

1 any person in the recording;

2 (iv) the encounter resulted in a detention or
3 an arrest, excluding traffic stops which resulted
4 in only a minor traffic offense or business
5 offense;

6 (v) the officer is the subject of an internal
7 investigation or otherwise being investigated for
8 possible misconduct;

9 (vi) the supervisor of the officer,
10 prosecutor, defendant, or court determines that
11 the encounter has evidentiary value in a criminal
12 prosecution; or

13 (vii) the recording officer requests that the
14 video be flagged for official purposes related to
15 his or her official duties or believes it may have
16 evidentiary value in a criminal prosecution.

17 (C) Under no circumstances shall any recording
18 made with an officer-worn body camera relating to a
19 flagged encounter be altered or destroyed prior to 2
20 years after the recording was flagged. If the flagged
21 recording was used in a criminal, civil, or
22 administrative proceeding, the recording shall not be
23 destroyed except upon a final disposition and order
24 from the court.

25 (D) Nothing in this Act prohibits law enforcement
26 agencies from labeling officer-worn body camera video

1 within the recording medium; provided that the
2 labeling does not alter the actual recording of the
3 incident captured on the officer-worn body camera. The
4 labels, titles, and tags shall not be construed as
5 altering the officer-worn body camera video in any
6 way.

7 (8) Following the 90-day storage period, recordings
8 may be retained if a supervisor at the law enforcement
9 agency designates the recording for training purposes. If
10 the recording is designated for training purposes, the
11 recordings may be viewed by officers, in the presence of a
12 supervisor or training instructor, for the purposes of
13 instruction, training, or ensuring compliance with agency
14 policies.

15 (9) Recordings shall not be used to discipline law
16 enforcement officers unless:

17 (A) a formal investigation or informal inquiry, as
18 those terms are defined in Section 2 of the Uniform
19 Peace Officers' Disciplinary Act, has commenced ~~a~~
20 ~~formal or informal complaint of misconduct has been~~
21 ~~made;~~

22 (B) a use of force incident has occurred;

23 (C) the encounter on the recording could result in
24 a formal investigation under the Uniform Peace
25 Officers' Disciplinary Act; or

26 (D) as corroboration of other evidence of

1 misconduct.

2 Nothing in this paragraph (9) shall be construed to
3 limit or prohibit a law enforcement officer from being
4 subject to an action that does not amount to discipline.

5 (10) The law enforcement agency shall ensure proper
6 care and maintenance of officer-worn body cameras. Upon
7 becoming aware, officers must as soon as practical
8 document and notify the appropriate supervisor of any
9 technical difficulties, failures, or problems with the
10 officer-worn body camera or associated equipment. Upon
11 receiving notice, the appropriate supervisor shall make
12 every reasonable effort to correct and repair any of the
13 officer-worn body camera equipment.

14 (11) No officer may hinder or prohibit any person, not
15 a law enforcement officer, from recording a law
16 enforcement officer in the performance of his or her
17 duties in a public place or when the officer has no
18 reasonable expectation of privacy. The law enforcement
19 agency's written policy shall indicate the potential
20 criminal penalties, as well as any departmental
21 discipline, which may result from unlawful confiscation or
22 destruction of the recording medium of a person who is not
23 a law enforcement officer. However, an officer may take
24 reasonable action to maintain safety and control, secure
25 crime scenes and accident sites, protect the integrity and
26 confidentiality of investigations, and protect the public

1 safety and order.

2 (b) Recordings made with the use of an officer-worn body
3 camera are not subject to disclosure under the Freedom of
4 Information Act, except when a recording is flagged due to the
5 filing of a complaint, discharge of a firearm, use of force,
6 arrest or detention, or resulting death or bodily harm, and
7 the subject of the encounter has a reasonable expectation of
8 privacy at the time of the recording. A recording subject to
9 disclosure under this subsection may be only released to the
10 subject of the encounter captured on the recording or the
11 subject's legal representative if the law enforcement agency
12 obtains written permission of the subject or the subject's
13 legal representative. Any disclosure under this subsection (b)
14 shall be limited to the portion of the recording containing
15 the subject of the encounter captured by the primary officer's
16 body-worn camera. ~~that:~~

17 ~~(1) if the subject of the encounter has a reasonable~~
18 ~~expectation of privacy, at the time of the recording, any~~
19 ~~recording which is flagged, due to the filing of a~~
20 ~~complaint, discharge of a firearm, use of force, arrest or~~
21 ~~detention, or resulting death or bodily harm, shall be~~
22 ~~disclosed in accordance with the Freedom of Information~~
23 ~~Act if:~~

24 ~~(A) the subject of the encounter captured on the~~
25 ~~recording is a victim or witness; and~~

26 ~~(B) the law enforcement agency obtains written~~

1 ~~permission of the subject or the subject's legal~~
2 ~~representative;~~

3 ~~(2) except as provided in paragraph (1) of this~~
4 ~~subsection (b), any recording which is flagged due to the~~
5 ~~filing of a complaint, discharge of a firearm, use of~~
6 ~~force, arrest or detention, or resulting death or bodily~~
7 ~~harm shall be disclosed in accordance with the Freedom of~~
8 ~~Information Act; and~~

9 ~~(3) upon request, the law enforcement agency shall~~
10 ~~disclose, in accordance with the Freedom of Information~~
11 ~~Act, the recording to the subject of the encounter~~
12 ~~captured on the recording or to the subject's attorney, or~~
13 ~~the officer or his or her legal representative.~~

14 For the purposes of ~~paragraph (1) of this subsection (b),~~
15 no person shall ~~the subject of the encounter does not~~ have a
16 reasonable expectation of privacy if the person ~~the subject~~
17 was arrested as a result of the encounter or if the encounter
18 was captured in a publicly accessible area. ~~For purposes of~~
19 ~~subparagraph (A) of paragraph (1) of this subsection (b),~~
20 ~~"witness" does not include a person who is a victim or who was~~
21 ~~arrested as a result of the encounter.~~

22 Only recordings or portions of recordings responsive to
23 the request shall be available for inspection or reproduction.
24 Any recording disclosed under the Freedom of Information Act
25 shall be redacted to remove identification of any person that
26 appears on the recording and is not the officer, a subject of

1 the encounter, or directly involved in the encounter if they
2 are readily identifiable and have an expectation of privacy.

3 Nothing in this subsection (b) shall require the disclosure of
4 any recording or portion of any recording which would be
5 exempt from disclosure under the Freedom of Information Act.

6 (c) Nothing in this Section shall limit access to an
7 officer-worn body a camera recording for the purposes of
8 complying with Supreme Court rules or the rules of evidence.

9 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
10 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
11 12-6-22.)

12 Section 15. The Law Enforcement Camera Grant Act is
13 amended by changing Sections 15 and 20 as follows:

14 (50 ILCS 707/15)

15 Sec. 15. Rules; in-car video camera grants.

16 (a) The Board shall develop model rules for the use of
17 in-car video cameras to be adopted by law enforcement agencies
18 that receive grants under Section 10 of this Act. The rules
19 shall include all of the following requirements:

20 (1) Cameras must be installed in the law enforcement
21 agency vehicles.

22 (2) Video recording must provide audio of the officer
23 when the officer is outside of the vehicle.

24 (3) Camera access must be restricted to the

1 supervisors of the officer in the vehicle.

2 (4) Cameras must be turned on continuously throughout
3 the officer's shift.

4 (5) A copy of the video record must be made available
5 upon request to personnel of the law enforcement agency,
6 the local State's Attorney, and any persons depicted in
7 the video. Procedures for distribution of the video record
8 must include safeguards to protect the identities of
9 individuals who are not a party to the requested stop.

10 (6) Law enforcement agencies that receive moneys under
11 this grant shall provide for storage of the video records
12 for a period of not less than 2 years.

13 (b) Each law enforcement agency receiving a grant for
14 in-car video cameras under Section 10 of this Act must provide
15 an annual report to the Board, the Governor, and the General
16 Assembly on or before May 1 of the year following the receipt
17 of the grant and by each May 1 thereafter during the period of
18 the grant. The report shall include the following:

19 (1) the number of cameras received by the law
20 enforcement agency;

21 (2) the number of cameras actually installed in law
22 enforcement agency vehicles;

23 (3) a brief description of the review process used by
24 supervisors within the law enforcement agency;

25 (4) (blank); and ~~a list of any criminal, traffic,~~
26 ~~ordinance, and civil cases in which in car video~~

1 ~~recordings were used, including party names, case numbers,~~
2 ~~offenses charged, and disposition of the matter.~~
3 ~~Proceedings to which this paragraph (4) applies include,~~
4 ~~but are not limited to, court proceedings, coroner's~~
5 ~~inquests, grand jury proceedings, and plea bargains; and~~

6 (5) any other information relevant to the
7 administration of the program.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (50 ILCS 707/20)

10 Sec. 20. Rules; officer body-worn camera grants.

11 (a) The Board shall develop model rules for the use of
12 officer body-worn cameras to be adopted by law enforcement
13 agencies that receive grants under Section 10 of this Act. The
14 rules shall comply with the Law Enforcement Officer-Worn Body
15 Camera Act.

16 (b) Each law enforcement agency receiving a grant for
17 officer-worn body cameras under Section 10 of this Act must
18 provide an annual report to the Board, the Governor, and the
19 General Assembly on or before May 1 of the year following the
20 receipt of the grant and by each May 1 thereafter during the
21 period of the grant. The report shall include:

22 (1) a brief overview of the makeup of the agency,
23 including the number of officers utilizing officer-worn
24 body cameras;

25 (2) the number of officer-worn body cameras utilized

1 by the law enforcement agency;

2 (3) any technical issues with the equipment and how
3 those issues were remedied;

4 (4) a brief description of the review process used by
5 supervisors within the law enforcement agency;

6 (5) (blank); ~~for each recording used in prosecutions~~
7 ~~of conservation, criminal, or traffic offenses or~~
8 ~~municipal ordinance violations:~~

9 ~~(A) the time, date, and location of the incident;~~
10 ~~and~~

11 ~~(B) the offenses charged and the date charges were~~
12 ~~filed;~~

13 (6) (blank); ~~and for a recording used in a civil~~
14 ~~proceeding or internal affairs investigation:~~

15 ~~(A) the number of pending civil proceedings and~~
16 ~~internal investigations;~~

17 ~~(B) in resolved civil proceedings and pending~~
18 ~~investigations:~~

19 ~~(i) the nature of the complaint or~~
20 ~~allegations;~~

21 ~~(ii) the disposition, if known; and~~

22 ~~(iii) the date, time and location of the~~
23 ~~incident; and~~

24 (7) any other information relevant to the
25 administration of the program.

26 (c) On or before July 30 of each year, the Board must

1 analyze the law enforcement agency reports and provide an
2 annual report to the General Assembly and the Governor.

3 (Source: P.A. 99-352, eff. 1-1-16.)

4 Section 20. The Criminal Code of 2012 is amended by
5 changing Section 14-3 as follows:

6 (720 ILCS 5/14-3)

7 Sec. 14-3. Exemptions. The following activities shall be
8 exempt from the provisions of this Article:

9 (a) Listening to radio, wireless electronic
10 communications, and television communications of any sort
11 where the same are publicly made;

12 (b) Hearing conversation when heard by employees of
13 any common carrier by wire incidental to the normal course
14 of their employment in the operation, maintenance or
15 repair of the equipment of such common carrier by wire so
16 long as no information obtained thereby is used or
17 divulged by the hearer;

18 (c) Any broadcast by radio, television or otherwise
19 whether it be a broadcast or recorded for the purpose of
20 later broadcasts of any function where the public is in
21 attendance and the conversations are overheard incidental
22 to the main purpose for which such broadcasts are then
23 being made;

24 (d) Recording or listening with the aid of any device

1 to any emergency communication made in the normal course
2 of operations by any federal, state or local law
3 enforcement agency or institutions dealing in emergency
4 services, including, but not limited to, hospitals,
5 clinics, ambulance services, fire fighting agencies, any
6 public utility, emergency repair facility, civilian
7 defense establishment or military installation;

8 (e) Recording the proceedings of any meeting required
9 to be open by the Open Meetings Act, as amended;

10 (f) Recording or listening with the aid of any device
11 to incoming telephone calls of phone lines publicly listed
12 or advertised as consumer "hotlines" by manufacturers or
13 retailers of food and drug products. Such recordings must
14 be destroyed, erased or turned over to local law
15 enforcement authorities within 24 hours from the time of
16 such recording and shall not be otherwise disseminated.
17 Failure on the part of the individual or business
18 operating any such recording or listening device to comply
19 with the requirements of this subsection shall eliminate
20 any civil or criminal immunity conferred upon that
21 individual or business by the operation of this Section;

22 (g) With prior notification to the State's Attorney of
23 the county in which it is to occur, recording or listening
24 with the aid of any device to any conversation where a law
25 enforcement officer, or any person acting at the direction
26 of law enforcement, is a party to the conversation and has

1 consented to it being intercepted or recorded under
2 circumstances where the use of the device is necessary for
3 the protection of the law enforcement officer or any
4 person acting at the direction of law enforcement, in the
5 course of an investigation of a forcible felony, a felony
6 offense of involuntary servitude, involuntary sexual
7 servitude of a minor, or trafficking in persons under
8 Section 10-9 of this Code, an offense involving
9 prostitution, solicitation of a sexual act, or pandering,
10 a felony violation of the Illinois Controlled Substances
11 Act, a felony violation of the Cannabis Control Act, a
12 felony violation of the Methamphetamine Control and
13 Community Protection Act, any "streetgang related" or
14 "gang-related" felony as those terms are defined in the
15 Illinois Streetgang Terrorism Omnibus Prevention Act, or
16 any felony offense involving any weapon listed in
17 paragraphs (1) through (11) of subsection (a) of Section
18 24-1 of this Code. Any recording or evidence derived as
19 the result of this exemption shall be inadmissible in any
20 proceeding, criminal, civil or administrative, except (i)
21 where a party to the conversation suffers great bodily
22 injury or is killed during such conversation, or (ii) when
23 used as direct impeachment of a witness concerning matters
24 contained in the interception or recording. The Director
25 of the Illinois State Police shall issue regulations as
26 are necessary concerning the use of devices, retention of

1 tape recordings, and reports regarding their use;

2 (g-5) (Blank);

3 (g-6) With approval of the State's Attorney of the
4 county in which it is to occur, recording or listening
5 with the aid of any device to any conversation where a law
6 enforcement officer, or any person acting at the direction
7 of law enforcement, is a party to the conversation and has
8 consented to it being intercepted or recorded in the
9 course of an investigation of child pornography,
10 aggravated child pornography, indecent solicitation of a
11 child, luring of a minor, sexual exploitation of a child,
12 aggravated criminal sexual abuse in which the victim of
13 the offense was at the time of the commission of the
14 offense under 18 years of age, or criminal sexual abuse by
15 force or threat of force in which the victim of the offense
16 was at the time of the commission of the offense under 18
17 years of age. In all such cases, an application for an
18 order approving the previous or continuing use of an
19 eavesdropping device must be made within 48 hours of the
20 commencement of such use. In the absence of such an order,
21 or upon its denial, any continuing use shall immediately
22 terminate. The Director of the Illinois State Police shall
23 issue rules as are necessary concerning the use of
24 devices, retention of recordings, and reports regarding
25 their use. Any recording or evidence obtained or derived
26 in the course of an investigation of child pornography,

1 aggravated child pornography, indecent solicitation of a
2 child, luring of a minor, sexual exploitation of a child,
3 aggravated criminal sexual abuse in which the victim of
4 the offense was at the time of the commission of the
5 offense under 18 years of age, or criminal sexual abuse by
6 force or threat of force in which the victim of the offense
7 was at the time of the commission of the offense under 18
8 years of age shall, upon motion of the State's Attorney or
9 Attorney General prosecuting any case involving child
10 pornography, aggravated child pornography, indecent
11 solicitation of a child, luring of a minor, sexual
12 exploitation of a child, aggravated criminal sexual abuse
13 in which the victim of the offense was at the time of the
14 commission of the offense under 18 years of age, or
15 criminal sexual abuse by force or threat of force in which
16 the victim of the offense was at the time of the commission
17 of the offense under 18 years of age be reviewed in camera
18 with notice to all parties present by the court presiding
19 over the criminal case, and, if ruled by the court to be
20 relevant and otherwise admissible, it shall be admissible
21 at the trial of the criminal case. Absent such a ruling,
22 any such recording or evidence shall not be admissible at
23 the trial of the criminal case;

24 (h) Recordings made simultaneously with the use of an
25 in-car video camera recording of an oral conversation
26 between a uniformed peace officer, who has identified his

1 or her office, and a person in the presence of the peace
2 officer whenever (i) an officer assigned a patrol vehicle
3 is conducting an enforcement stop; or (ii) patrol vehicle
4 emergency lights are activated or would otherwise be
5 activated if not for the need to conceal the presence of
6 law enforcement.

7 For the purposes of this subsection (h), "enforcement
8 stop" means an action by a law enforcement officer in
9 relation to enforcement and investigation duties,
10 including but not limited to, traffic stops, pedestrian
11 stops, abandoned vehicle contacts, motorist assists,
12 commercial motor vehicle stops, roadside safety checks,
13 requests for identification, or responses to requests for
14 emergency assistance;

15 (h-5) Recordings of utterances made by a person while
16 in the presence of a uniformed peace officer and while an
17 occupant of a police vehicle including, but not limited
18 to, (i) recordings made simultaneously with the use of an
19 in-car video camera and (ii) recordings made in the
20 presence of the peace officer utilizing video or audio
21 systems, or both, authorized by the law enforcement
22 agency;

23 (h-10) Recordings made simultaneously with a video
24 camera recording during the use of a taser or similar
25 weapon or device by a peace officer if the weapon or device
26 is equipped with such camera;

1 (h-15) Recordings made under subsection (h), (h-5), or
2 (h-10) shall be retained by the law enforcement agency
3 that employs the peace officer who made the recordings for
4 a storage period of 90 days, unless the recordings are
5 made as a part of an arrest or the recordings are deemed
6 evidence in any criminal, civil, or administrative
7 proceeding and then the recordings must only be destroyed
8 upon a final disposition and an order from the court.
9 Under no circumstances shall any recording be altered or
10 erased prior to the expiration of the designated storage
11 period. Upon completion of the storage period, the
12 recording medium may be erased and reissued for
13 operational use;

14 (i) Recording of a conversation made by or at the
15 request of a person, not a law enforcement officer or
16 agent of a law enforcement officer, who is a party to the
17 conversation, under reasonable suspicion that another
18 party to the conversation is committing, is about to
19 commit, or has committed a criminal offense against the
20 person or a member of his or her immediate household, and
21 there is reason to believe that evidence of the criminal
22 offense may be obtained by the recording;

23 (j) The use of a telephone monitoring device by either
24 (1) a corporation or other business entity engaged in
25 marketing or opinion research or (2) a corporation or
26 other business entity engaged in telephone solicitation,

1 as defined in this subsection, to record or listen to oral
2 telephone solicitation conversations or marketing or
3 opinion research conversations by an employee of the
4 corporation or other business entity when:

5 (i) the monitoring is used for the purpose of
6 service quality control of marketing or opinion
7 research or telephone solicitation, the education or
8 training of employees or contractors engaged in
9 marketing or opinion research or telephone
10 solicitation, or internal research related to
11 marketing or opinion research or telephone
12 solicitation; and

13 (ii) the monitoring is used with the consent of at
14 least one person who is an active party to the
15 marketing or opinion research conversation or
16 telephone solicitation conversation being monitored.

17 No communication or conversation or any part, portion,
18 or aspect of the communication or conversation made,
19 acquired, or obtained, directly or indirectly, under this
20 exemption (j), may be, directly or indirectly, furnished
21 to any law enforcement officer, agency, or official for
22 any purpose or used in any inquiry or investigation, or
23 used, directly or indirectly, in any administrative,
24 judicial, or other proceeding, or divulged to any third
25 party.

26 When recording or listening authorized by this

1 subsection (j) on telephone lines used for marketing or
2 opinion research or telephone solicitation purposes
3 results in recording or listening to a conversation that
4 does not relate to marketing or opinion research or
5 telephone solicitation; the person recording or listening
6 shall, immediately upon determining that the conversation
7 does not relate to marketing or opinion research or
8 telephone solicitation, terminate the recording or
9 listening and destroy any such recording as soon as is
10 practicable.

11 Business entities that use a telephone monitoring or
12 telephone recording system pursuant to this exemption (j)
13 shall provide current and prospective employees with
14 notice that the monitoring or recordings may occur during
15 the course of their employment. The notice shall include
16 prominent signage notification within the workplace.

17 Business entities that use a telephone monitoring or
18 telephone recording system pursuant to this exemption (j)
19 shall provide their employees or agents with access to
20 personal-only telephone lines which may be pay telephones,
21 that are not subject to telephone monitoring or telephone
22 recording.

23 For the purposes of this subsection (j), "telephone
24 solicitation" means a communication through the use of a
25 telephone by live operators:

26 (i) soliciting the sale of goods or services;

1 (ii) receiving orders for the sale of goods or
2 services;

3 (iii) assisting in the use of goods or services;
4 or

5 (iv) engaging in the solicitation, administration,
6 or collection of bank or retail credit accounts.

7 For the purposes of this subsection (j), "marketing or
8 opinion research" means a marketing or opinion research
9 interview conducted by a live telephone interviewer
10 engaged by a corporation or other business entity whose
11 principal business is the design, conduct, and analysis of
12 polls and surveys measuring the opinions, attitudes, and
13 responses of respondents toward products and services, or
14 social or political issues, or both;

15 (k) Electronic recordings, including but not limited
16 to, a motion picture, videotape, digital, or other visual
17 or audio recording, made of a custodial interrogation of
18 an individual at a police station or other place of
19 detention by a law enforcement officer under Section
20 5-401.5 of the Juvenile Court Act of 1987 or Section
21 103-2.1 of the Code of Criminal Procedure of 1963;

22 (l) Recording the interview or statement of any person
23 when the person knows that the interview is being
24 conducted by a law enforcement officer or prosecutor and
25 the interview takes place at a police station that is
26 currently participating in the Custodial Interview Pilot

1 Program established under the Illinois Criminal Justice
2 Information Act;

3 (m) An electronic recording, including but not limited
4 to, a motion picture, videotape, digital, or other visual
5 or audio recording, made of the interior of a school bus
6 while the school bus is being used in the transportation
7 of students to and from school and school-sponsored
8 activities, when the school board has adopted a policy
9 authorizing such recording, notice of such recording
10 policy is included in student handbooks and other
11 documents including the policies of the school, notice of
12 the policy regarding recording is provided to parents of
13 students, and notice of such recording is clearly posted
14 on the door of and inside the school bus.

15 Recordings made pursuant to this subsection (m) shall
16 be confidential records and may only be used by school
17 officials (or their designees) and law enforcement
18 personnel for investigations, school disciplinary actions
19 and hearings, proceedings under the Juvenile Court Act of
20 1987, and criminal prosecutions, related to incidents
21 occurring in or around the school bus;

22 (n) Recording or listening to an audio transmission
23 from a microphone placed by a person under the authority
24 of a law enforcement agency inside a bait car surveillance
25 vehicle while simultaneously capturing a photographic or
26 video image;

1 (o) The use of an eavesdropping camera or audio device
2 during an ongoing hostage or barricade situation by a law
3 enforcement officer or individual acting on behalf of a
4 law enforcement officer when the use of such device is
5 necessary to protect the safety of the general public,
6 hostages, or law enforcement officers or anyone acting on
7 their behalf;

8 (p) Recording or listening with the aid of any device
9 to incoming telephone calls of phone lines publicly listed
10 or advertised as the "CPS Violence Prevention Hotline",
11 but only where the notice of recording is given at the
12 beginning of each call as required by Section 34-21.8 of
13 the School Code. The recordings may be retained only by
14 the Chicago Police Department or other law enforcement
15 authorities, and shall not be otherwise retained or
16 disseminated;

17 (q) (1) With prior request to and written or verbal
18 approval of the State's Attorney of the county in which
19 the conversation is anticipated to occur, recording or
20 listening with the aid of an eavesdropping device to a
21 conversation in which a law enforcement officer, or any
22 person acting at the direction of a law enforcement
23 officer, is a party to the conversation and has consented
24 to the conversation being intercepted or recorded in the
25 course of an investigation of a qualified offense. The
26 State's Attorney may grant this approval only after

1 determining that reasonable cause exists to believe that
2 inculpatory conversations concerning a qualified offense
3 will occur with a specified individual or individuals
4 within a designated period of time.

5 (2) Request for approval. To invoke the exception
6 contained in this subsection (q), a law enforcement
7 officer shall make a request for approval to the
8 appropriate State's Attorney. The request may be written
9 or verbal; however, a written memorialization of the
10 request must be made by the State's Attorney. This request
11 for approval shall include whatever information is deemed
12 necessary by the State's Attorney but shall include, at a
13 minimum, the following information about each specified
14 individual whom the law enforcement officer believes will
15 commit a qualified offense:

16 (A) his or her full or partial name, nickname or
17 alias;

18 (B) a physical description; or

19 (C) failing either (A) or (B) of this paragraph
20 (2), any other supporting information known to the law
21 enforcement officer at the time of the request that
22 gives rise to reasonable cause to believe that the
23 specified individual will participate in an
24 inculpatory conversation concerning a qualified
25 offense.

26 (3) Limitations on approval. Each written approval by

1 the State's Attorney under this subsection (q) shall be
2 limited to:

3 (A) a recording or interception conducted by a
4 specified law enforcement officer or person acting at
5 the direction of a law enforcement officer;

6 (B) recording or intercepting conversations with
7 the individuals specified in the request for approval,
8 provided that the verbal approval shall be deemed to
9 include the recording or intercepting of conversations
10 with other individuals, unknown to the law enforcement
11 officer at the time of the request for approval, who
12 are acting in conjunction with or as co-conspirators
13 with the individuals specified in the request for
14 approval in the commission of a qualified offense;

15 (C) a reasonable period of time but in no event
16 longer than 24 consecutive hours;

17 (D) the written request for approval, if
18 applicable, or the written memorialization must be
19 filed, along with the written approval, with the
20 circuit clerk of the jurisdiction on the next business
21 day following the expiration of the authorized period
22 of time, and shall be subject to review by the Chief
23 Judge or his or her designee as deemed appropriate by
24 the court.

25 (3.5) The written memorialization of the request for
26 approval and the written approval by the State's Attorney

1 may be in any format, including via facsimile, email, or
2 otherwise, so long as it is capable of being filed with the
3 circuit clerk.

4 (3.10) Beginning March 1, 2015, each State's Attorney
5 shall annually submit a report to the General Assembly
6 disclosing:

7 (A) the number of requests for each qualified
8 offense for approval under this subsection; and

9 (B) the number of approvals for each qualified
10 offense given by the State's Attorney.

11 (4) Admissibility of evidence. No part of the contents
12 of any wire, electronic, or oral communication that has
13 been recorded or intercepted as a result of this exception
14 may be received in evidence in any trial, hearing, or
15 other proceeding in or before any court, grand jury,
16 department, officer, agency, regulatory body, legislative
17 committee, or other authority of this State, or a
18 political subdivision of the State, other than in a
19 prosecution of:

20 (A) the qualified offense for which approval was
21 given to record or intercept a conversation under this
22 subsection (q);

23 (B) a forcible felony committed directly in the
24 course of the investigation of the qualified offense
25 for which approval was given to record or intercept a
26 conversation under this subsection (q); or

1 (C) any other forcible felony committed while the
2 recording or interception was approved in accordance
3 with this subsection (q), but for this specific
4 category of prosecutions, only if the law enforcement
5 officer or person acting at the direction of a law
6 enforcement officer who has consented to the
7 conversation being intercepted or recorded suffers
8 great bodily injury or is killed during the commission
9 of the charged forcible felony.

10 (5) Compliance with the provisions of this subsection
11 is a prerequisite to the admissibility in evidence of any
12 part of the contents of any wire, electronic or oral
13 communication that has been intercepted as a result of
14 this exception, but nothing in this subsection shall be
15 deemed to prevent a court from otherwise excluding the
16 evidence on any other ground recognized by State or
17 federal law, nor shall anything in this subsection be
18 deemed to prevent a court from independently reviewing the
19 admissibility of the evidence for compliance with the
20 Fourth Amendment to the U.S. Constitution or with Article
21 I, Section 6 of the Illinois Constitution.

22 (6) Use of recordings or intercepts unrelated to
23 qualified offenses. Whenever any private conversation or
24 private electronic communication has been recorded or
25 intercepted as a result of this exception that is not
26 related to an offense for which the recording or intercept

1 is admissible under paragraph (4) of this subsection (q),
2 no part of the contents of the communication and evidence
3 derived from the communication may be received in evidence
4 in any trial, hearing, or other proceeding in or before
5 any court, grand jury, department, officer, agency,
6 regulatory body, legislative committee, or other authority
7 of this State, or a political subdivision of the State,
8 nor may it be publicly disclosed in any way.

9 (6.5) The Illinois State Police shall adopt rules as
10 are necessary concerning the use of devices, retention of
11 recordings, and reports regarding their use under this
12 subsection (q).

13 (7) Definitions. For the purposes of this subsection
14 (q) only:

15 "Forcible felony" includes and is limited to those
16 offenses contained in Section 2-8 of the Criminal Code
17 of 1961 as of the effective date of this amendatory Act
18 of the 97th General Assembly, and only as those
19 offenses have been defined by law or judicial
20 interpretation as of that date.

21 "Qualified offense" means and is limited to:

22 (A) a felony violation of the Cannabis Control
23 Act, the Illinois Controlled Substances Act, or
24 the Methamphetamine Control and Community
25 Protection Act, except for violations of:

26 (i) Section 4 of the Cannabis Control Act;

1 (ii) Section 402 of the Illinois
2 Controlled Substances Act; and

3 (iii) Section 60 of the Methamphetamine
4 Control and Community Protection Act; and

5 (B) first degree murder, solicitation of
6 murder for hire, predatory criminal sexual assault
7 of a child, criminal sexual assault, aggravated
8 criminal sexual assault, aggravated arson,
9 kidnapping, aggravated kidnapping, child
10 abduction, trafficking in persons, involuntary
11 servitude, involuntary sexual servitude of a
12 minor, or gunrunning.

13 "State's Attorney" includes and is limited to the
14 State's Attorney or an assistant State's Attorney
15 designated by the State's Attorney to provide verbal
16 approval to record or intercept conversations under
17 this subsection (q).

18 (8) Sunset. This subsection (q) is inoperative on and
19 after January 1, 2027. No conversations intercepted
20 pursuant to this subsection (q), while operative, shall be
21 inadmissible in a court of law by virtue of the
22 inoperability of this subsection (q) on January 1, 2027.

23 (9) Recordings, records, and custody. Any private
24 conversation or private electronic communication
25 intercepted by a law enforcement officer or a person
26 acting at the direction of law enforcement shall, if

1 practicable, be recorded in such a way as will protect the
2 recording from editing or other alteration. Any and all
3 original recordings made under this subsection (q) shall
4 be inventoried without unnecessary delay pursuant to the
5 law enforcement agency's policies for inventorying
6 evidence. The original recordings shall not be destroyed
7 except upon an order of a court of competent jurisdiction;
8 ~~and~~

9 (r) Electronic recordings, including but not limited
10 to, motion picture, videotape, digital, or other visual or
11 audio recording, made of a lineup under Section 107A-2 of
12 the Code of Criminal Procedure of 1963; ~~and~~

13 (s) Recordings made pursuant to and in compliance with
14 the Law Enforcement Officer-Worn Body Camera Act.

15 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
16 102-918, eff. 5-27-22.)