



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4050

Introduced 4/27/2023, by Rep. Dennis Tipsword, Jr. - Patrick Windhorst and Kevin Schmidt

SYNOPSIS AS INTRODUCED:

See Index

Amends the Law Enforcement Officer-Worn Body Camera Act. Provides that the Act does not apply to school resource officers, undercover or covert officers, or officers that are employed in an administrative capacity, except when undercover or covert officers are conducting interviews. 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. Removes provisions prohibiting officers from viewing recordings prior to completing a report. Modifies exceptions to destruction of camera recordings if a recording has been flagged and 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 the subject or legal representative provides written authorization to release the video. Makes other changes. Amends the Criminal Code of 2012 and Freedom of Information Act making conforming 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. Further amends the Criminal Code of 2012. Provides that a person also obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly takes a body camera or any part of a body camera from a person known to be a peace officer. Provides that a violation is either a Class 1 felony or Class 2 felony.

LRB103 31718 AWJ 60299 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, 10-15, 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 706/10-15)

16 Sec. 10-15. Applicability.

17 (a) All law enforcement agencies must employ the use of
18 officer-worn body cameras in accordance with the provisions of
19 this Act, whether or not the agency receives or has received
20 monies from the Law Enforcement Camera Grant Fund.

21 (b) Except as provided in subsection (b-5), all law
22 enforcement agencies must implement the use of body cameras
23 for all law enforcement officers, according to the following
24 schedule:

25 (1) for municipalities and counties with populations

1 of 500,000 or more, body cameras shall be implemented by
2 January 1, 2022;

3 (2) for municipalities and counties with populations
4 of 100,000 or more but under 500,000, body cameras shall
5 be implemented by January 1, 2023;

6 (3) for municipalities and counties with populations
7 of 50,000 or more but under 100,000, body cameras shall be
8 implemented by January 1, 2024;

9 (4) for municipalities and counties under 50,000, body
10 cameras shall be implemented by January 1, 2025; and

11 (5) for all State agencies with law enforcement
12 officers and other remaining law enforcement agencies,
13 body cameras shall be implemented by January 1, 2025.

14 (b-5) If a law enforcement agency that serves a
15 municipality with a population of at least 100,000 but not
16 more than 500,000 or a law enforcement agency that serves a
17 county with a population of at least 100,000 but not more than
18 500,000 has ordered by October 1, 2022 or purchased by that
19 date officer-worn body cameras for use by the law enforcement
20 agency, then the law enforcement agency may implement the use
21 of body cameras for all of its law enforcement officers by no
22 later than July 1, 2023. Records of purchase within this
23 timeline shall be submitted to the Illinois Law Enforcement
24 Training Standards Board by January 1, 2023.

25 (c) A law enforcement agency's compliance with the
26 requirements under this Section shall receive preference by

1 the Illinois Law Enforcement Training Standards Board in
2 awarding grant funding under the Law Enforcement Camera Grant
3 Act.

4 (d) This Section does not apply to court security
5 officers, school resource officers, undercover or covert
6 officers, officers that are employed in an administrative
7 capacity, State's Attorney investigators, and Attorney General
8 investigators. However, this Section applies to undercover or
9 covert officers when conducting interviews.

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

12 (50 ILCS 706/10-20)

13 Sec. 10-20. Requirements.

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

21 (1) Cameras must be equipped with pre-event recording,
22 capable of recording at least the 30 seconds prior to
23 camera activation, unless the officer-worn body camera was
24 purchased and acquired by the law enforcement agency prior
25 to July 1, 2015.

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

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

10 (A) If exigent circumstances exist which prevent
11 the camera from being turned on, the camera must be
12 turned on as soon as practicable.

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

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

22 (4) Cameras must be turned off when:

23 (A) the victim of a crime requests that the camera
24 be turned off, and unless impractical or impossible,
25 that request is made on the recording;

26 (B) a witness of a crime or a community member who

1 wishes to report a crime requests that the camera be
2 turned off, and unless impractical or impossible that
3 request is made on the recording;

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

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

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

19 (4.5) Cameras may be turned off when the officer is
20 engaged in community caretaking functions. However, the
21 camera must be turned on when the officer has reason to
22 believe that the person on whose behalf the officer is
23 performing a community caretaking function has committed
24 or is in the process of committing a crime. If exigent
25 circumstances exist which prevent the camera from being
26 turned on, the camera must be turned on as soon as

1 practicable.

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

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

20 ~~(i) A law enforcement officer shall not have~~
21 ~~access to or review his or her body worn camera~~
22 ~~recordings or the body worn camera recordings of~~
23 ~~another officer prior to completing incident reports~~
24 ~~or other documentation when the officer:~~

25 ~~(a) has been involved in or is a witness to an~~
26 ~~officer involved shooting, use of deadly force~~

1 ~~incident, or use of force incidents resulting in~~
2 ~~great bodily harm;~~

3 ~~(b) is ordered to write a report in response~~
4 ~~to or during the investigation of a misconduct~~
5 ~~complaint against the officer.~~

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

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

21 (7) Recordings made on officer-worn cameras must be
22 retained by the law enforcement agency or by the camera
23 vendor used by the agency, on a recording medium for a
24 period of 90 days.

25 (A) Under no circumstances shall any recording,
26 except for a non-law enforcement related activity or

1 encounter, made with an officer-worn body camera be
2 altered, erased, or destroyed prior to the expiration
3 of the 90-day storage period. In the event any
4 recording made with an officer-worn body camera is
5 altered, erased, or destroyed prior to the expiration
6 of the 90-day storage period, the law enforcement
7 agency shall maintain, for a period of one year, a
8 written record including (i) the name of the
9 individual who made such alteration, erasure, or
10 destruction, and (ii) the reason for any such
11 alteration, erasure, or destruction.

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

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

21 (ii) the officer discharged his or her firearm
22 or used force during the encounter;

23 (iii) death or great bodily harm occurred to
24 any person in the recording;

25 (iv) the encounter resulted in a detention or
26 an arrest, excluding traffic stops which resulted

1 in only a minor traffic offense or business
2 offense;

3 (v) the officer is the subject of an internal
4 investigation or otherwise being investigated for
5 possible misconduct;

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

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

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

22 (D) Nothing in this Act prohibits law enforcement
23 agencies from labeling officer-worn body camera video
24 within the recording medium; provided that the
25 labeling does not alter the actual recording of the
26 incident captured on the officer-worn body camera. The

1 labels, titles, and tags shall not be construed as
2 altering the officer-worn body camera video in any
3 way.

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

12 (9) Recordings shall not be used to discipline law
13 enforcement officers unless:

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

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

20 (C) the encounter on the recording could result in
21 a formal investigation under the Uniform Peace
22 Officers' Disciplinary Act; or

23 (D) as corroboration of other evidence of
24 misconduct.

25 Nothing in this paragraph (9) shall be construed to
26 limit or prohibit a law enforcement officer from being

1 subject to an action that does not amount to discipline.

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

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

25 (b) Recordings made with the use of an officer-worn body
26 camera are not subject to disclosure under the Freedom of

1 Information Act, except when a recording is flagged due to the
2 filing of a complaint, discharge of a firearm, use of force,
3 arrest or detention, or resulting death or bodily harm, and
4 the subject of the encounter has a reasonable expectation of
5 privacy at the time of the recording. A recording subject to
6 disclosure under this subsection may be only released to the
7 subject of the encounter captured on the recording or the
8 subject's legal representative if the law enforcement agency
9 obtains written permission of the subject or the subject's
10 legal representative. Any disclosure under this subsection (b)
11 shall be limited to the portion of the recording containing
12 the subject of the encounter captured by the primary officer's
13 body-worn camera. ~~that:~~

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

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

23 ~~(B) the law enforcement agency obtains written~~
24 ~~permission of the subject or the subject's legal~~
25 ~~representative;~~

26 ~~(2) except as provided in paragraph (1) of this~~

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

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

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

19 Only recordings or portions of recordings responsive to
20 the request shall be available for inspection or reproduction.
21 Any recording disclosed under the Freedom of Information Act
22 shall be redacted to remove identification of any person that
23 appears on the recording and is not the officer, a subject of
24 the encounter, or directly involved in the encounter if they
25 are readily identifiable and have an expectation of privacy.
26 Nothing in this subsection (b) shall require the disclosure of

1 any recording or portion of any recording which would be
2 exempt from disclosure under the Freedom of Information Act.

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

6 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
7 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
8 12-6-22.)

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

11 (50 ILCS 707/15)

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

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

17 (1) Cameras must be installed in the law enforcement
18 agency vehicles.

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

21 (3) Camera access must be restricted to the
22 supervisors of the officer in the vehicle.

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

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

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

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

16 (1) the number of cameras received by the law
17 enforcement agency;

18 (2) the number of cameras actually installed in law
19 enforcement agency vehicles;

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

22 (4) (blank); and ~~a list of any criminal, traffic,~~
23 ~~ordinance, and civil cases in which in-car video~~
24 ~~recordings were used, including party names, case numbers,~~
25 ~~offenses charged, and disposition of the matter.~~
26 ~~Proceedings to which this paragraph (4) applies include,~~

1 ~~but are not limited to, court proceedings, coroner's~~
2 ~~inquests, grand jury proceedings, and plea bargains; and~~

3 (5) any other information relevant to the
4 administration of the program.

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

6 (50 ILCS 707/20)

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

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

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

19 (1) a brief overview of the makeup of the agency,
20 including the number of officers utilizing officer-worn
21 body cameras;

22 (2) the number of officer-worn body cameras utilized
23 by the law enforcement agency;

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

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

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

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

7 and

8 ~~(B) the offenses charged and the date charges were~~
9 ~~filed;~~

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

12 ~~(A) the number of pending civil proceedings and~~
13 ~~internal investigations;~~

14 ~~(B) in resolved civil proceedings and pending~~
15 ~~investigations:~~

16 ~~(i) the nature of the complaint or~~
17 ~~allegations;~~

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

19 ~~(iii) the date, time and location of the~~
20 ~~incident; and~~

21 (7) any other information relevant to the
22 administration of the program.

23 (c) On or before July 30 of each year, the Board must
24 analyze the law enforcement agency reports and provide an
25 annual report to the General Assembly and the Governor.

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

1 Section 20. The Criminal Code of 2012 is amended by
2 changing Sections 14-3 and 31-4 as follows:

3 (720 ILCS 5/14-3)

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

6 (a) Listening to radio, wireless electronic
7 communications, and television communications of any sort
8 where the same are publicly made;

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

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

21 (d) Recording or listening with the aid of any device
22 to any emergency communication made in the normal course
23 of operations by any federal, state or local law
24 enforcement agency or institutions dealing in emergency

1 services, including, but not limited to, hospitals,
2 clinics, ambulance services, fire fighting agencies, any
3 public utility, emergency repair facility, civilian
4 defense establishment or military installation;

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

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

19 (g) With prior notification to the State's Attorney of
20 the county in which it is to occur, recording or listening
21 with the aid of any device to any conversation where a law
22 enforcement officer, or any person acting at the direction
23 of law enforcement, is a party to the conversation and has
24 consented to it being intercepted or recorded under
25 circumstances where the use of the device is necessary for
26 the protection of the law enforcement officer or any

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

25 (g-5) (Blank);

26 (g-6) With approval of the State's Attorney of the

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

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

21 (h) Recordings made simultaneously with the use of an
22 in-car video camera recording of an oral conversation
23 between a uniformed peace officer, who has identified his
24 or her office, and a person in the presence of the peace
25 officer whenever (i) an officer assigned a patrol vehicle
26 is conducting an enforcement stop; or (ii) patrol vehicle

1 emergency lights are activated or would otherwise be
2 activated if not for the need to conceal the presence of
3 law enforcement.

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

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

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

24 (h-15) Recordings made under subsection (h), (h-5), or
25 (h-10) shall be retained by the law enforcement agency
26 that employs the peace officer who made the recordings for

1 a storage period of 90 days, unless the recordings are
2 made as a part of an arrest or the recordings are deemed
3 evidence in any criminal, civil, or administrative
4 proceeding and then the recordings must only be destroyed
5 upon a final disposition and an order from the court.
6 Under no circumstances shall any recording be altered or
7 erased prior to the expiration of the designated storage
8 period. Upon completion of the storage period, the
9 recording medium may be erased and reissued for
10 operational use;

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

20 (j) The use of a telephone monitoring device by either
21 (1) a corporation or other business entity engaged in
22 marketing or opinion research or (2) a corporation or
23 other business entity engaged in telephone solicitation,
24 as defined in this subsection, to record or listen to oral
25 telephone solicitation conversations or marketing or
26 opinion research conversations by an employee of the

1 corporation or other business entity when:

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

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

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

23 When recording or listening authorized by this
24 subsection (j) on telephone lines used for marketing or
25 opinion research or telephone solicitation purposes
26 results in recording or listening to a conversation that

1 does not relate to marketing or opinion research or
2 telephone solicitation; the person recording or listening
3 shall, immediately upon determining that the conversation
4 does not relate to marketing or opinion research or
5 telephone solicitation, terminate the recording or
6 listening and destroy any such recording as soon as is
7 practicable.

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

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

20 For the purposes of this subsection (j), "telephone
21 solicitation" means a communication through the use of a
22 telephone by live operators:

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

24 (ii) receiving orders for the sale of goods or
25 services;

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

1 or

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

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

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

19 (l) Recording the interview or statement of any person
20 when the person knows that the interview is being
21 conducted by a law enforcement officer or prosecutor and
22 the interview takes place at a police station that is
23 currently participating in the Custodial Interview Pilot
24 Program established under the Illinois Criminal Justice
25 Information Act;

26 (m) An electronic recording, including but not limited

1 to, a motion picture, videotape, digital, or other visual
2 or audio recording, made of the interior of a school bus
3 while the school bus is being used in the transportation
4 of students to and from school and school-sponsored
5 activities, when the school board has adopted a policy
6 authorizing such recording, notice of such recording
7 policy is included in student handbooks and other
8 documents including the policies of the school, notice of
9 the policy regarding recording is provided to parents of
10 students, and notice of such recording is clearly posted
11 on the door of and inside the school bus.

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

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

24 (o) The use of an eavesdropping camera or audio device
25 during an ongoing hostage or barricade situation by a law
26 enforcement officer or individual acting on behalf of a

1 law enforcement officer when the use of such device is
2 necessary to protect the safety of the general public,
3 hostages, or law enforcement officers or anyone acting on
4 their behalf;

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

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

1 within a designated period of time.

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

13 (A) his or her full or partial name, nickname or
14 alias;

15 (B) a physical description; or

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

23 (3) Limitations on approval. Each written approval by
24 the State's Attorney under this subsection (q) shall be
25 limited to:

26 (A) a recording or interception conducted by a

1 specified law enforcement officer or person acting at
2 the direction of a law enforcement officer;

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

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

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

22 (3.5) The written memorialization of the request for
23 approval and the written approval by the State's Attorney
24 may be in any format, including via facsimile, email, or
25 otherwise, so long as it is capable of being filed with the
26 circuit clerk.

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

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

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

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

17 (A) the qualified offense for which approval was
18 given to record or intercept a conversation under this
19 subsection (q);

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

24 (C) any other forcible felony committed while the
25 recording or interception was approved in accordance
26 with this subsection (q), but for this specific

1 category of prosecutions, only if the law enforcement
2 officer or person acting at the direction of a law
3 enforcement officer who has consented to the
4 conversation being intercepted or recorded suffers
5 great bodily injury or is killed during the commission
6 of the charged forcible felony.

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

19 (6) Use of recordings or intercepts unrelated to
20 qualified offenses. Whenever any private conversation or
21 private electronic communication has been recorded or
22 intercepted as a result of this exception that is not
23 related to an offense for which the recording or intercept
24 is admissible under paragraph (4) of this subsection (q),
25 no part of the contents of the communication and evidence
26 derived from the communication may be received in evidence

1 in any trial, hearing, or other proceeding in or before
2 any court, grand jury, department, officer, agency,
3 regulatory body, legislative committee, or other authority
4 of this State, or a political subdivision of the State,
5 nor may it be publicly disclosed in any way.

6 (6.5) The Illinois State Police shall adopt rules as
7 are necessary concerning the use of devices, retention of
8 recordings, and reports regarding their use under this
9 subsection (q).

10 (7) Definitions. For the purposes of this subsection
11 (q) only:

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

18 "Qualified offense" means and is limited to:

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

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

24 (ii) Section 402 of the Illinois
25 Controlled Substances Act; and

26 (iii) Section 60 of the Methamphetamine

1 Control and Community Protection Act; and

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

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

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

20 (9) Recordings, records, and custody. Any private
21 conversation or private electronic communication
22 intercepted by a law enforcement officer or a person
23 acting at the direction of law enforcement shall, if
24 practicable, be recorded in such a way as will protect the
25 recording from editing or other alteration. Any and all
26 original recordings made under this subsection (q) shall

1 be inventoried without unnecessary delay pursuant to the
2 law enforcement agency's policies for inventorying
3 evidence. The original recordings shall not be destroyed
4 except upon an order of a court of competent jurisdiction;
5 ~~and~~

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

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

12 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
13 102-918, eff. 5-27-22.)

14 (720 ILCS 5/31-4) (from Ch. 38, par. 31-4)

15 Sec. 31-4. Obstructing justice.

16 (a) A person obstructs justice when, with intent to
17 prevent the apprehension or obstruct the prosecution or
18 defense of any person, he or she knowingly commits any of the
19 following acts:

20 (1) destroys ~~Destroys~~, alters, conceals or disguises
21 physical evidence, plants false evidence, furnishes false
22 information; ~~or~~

23 (2) induces ~~Induces~~ a witness having knowledge
24 material to the subject at issue to leave the State or
25 conceal himself or herself; ~~or~~

1 (3) possessing ~~Possessing~~ knowledge material to the
2 subject at issue, he or she leaves the State or conceals
3 himself; ~~or~~

4 (4) if ~~if~~ a parent, legal guardian, or caretaker of a
5 child under 13 years of age reports materially false
6 information to a law enforcement agency, medical examiner,
7 coroner, State's Attorney, or other governmental agency
8 during an investigation of the disappearance or death of a
9 child under circumstances described in subsection (a) or
10 (b) of Section 10-10 of this Code; or.

11 (5) takes a body camera or any part of a body camera
12 from a person known to be a peace officer.

13 (b) Sentence.

14 (1) Obstructing justice is a Class 4 felony, except as
15 provided in paragraphs ~~paragraph~~ (2) and (3) of this
16 subsection (b).

17 (2) Obstructing justice in furtherance of streetgang
18 related or gang-related activity, as defined in Section 10
19 of the Illinois Streetgang Terrorism Omnibus Prevention
20 Act, is a Class 3 felony.

21 (3) A violation of paragraph (5) of subsection (a), if
22 the body camera or any part of the body camera is taken
23 from the peace officer during the commission of an offense
24 that has caused great bodily harm to the officer or
25 another person, is a Class 1 felony. Any other violation
26 of paragraph (5) of subsection (a) is a Class 2 felony.

1 (Source: P.A. 97-1079, eff. 1-1-13.)

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 50 ILCS 706/10-10

5 50 ILCS 706/10-15

6 50 ILCS 706/10-20

7 50 ILCS 707/15

8 50 ILCS 707/20

9 720 ILCS 5/14-3

10 720 ILCS 5/31-4 from Ch. 38, par. 31-4