



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4330

Introduced 1/16/2024, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

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

LRB103 35100 AWJ 65057 b

1 AN ACT concerning State government.

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

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

6 Section 5. Definitions. In this Act:

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

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

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

16 Section 10. Requirements; body cameras.

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

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

1 camera activation.

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

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

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

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

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

23 (b) Recordings made with the use of a body camera worn by a  
24 public official are subject to disclosure under the Freedom of  
25 Information Act only to the extent the recordings or portions  
26 of recordings are responsive to the request. Nothing in this

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

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

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

19 (5 ILCS 140/7.5)

20 (Text of Section before amendment by P.A. 103-472)

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

1           (a) All information determined to be confidential  
2 under Section 4002 of the Technology Advancement and  
3 Development Act.

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

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

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

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

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

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

1           (h) Information the disclosure of which is exempted  
2           under the State Officials and Employees Ethics Act, and  
3           records of any lawfully created State or local inspector  
4           general's office that would be exempt if created or  
5           obtained by an Executive Inspector General's office under  
6           that Act.

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

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

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

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

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

26          (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial  
2 counsel as provided under Sections 10 and 15 of the  
3 Capital Crimes Litigation Act (repealed). This subsection  
4 (n) shall apply until the conclusion of the trial of the  
5 case, even if the prosecution chooses not to pursue the  
6 death penalty prior to trial or sentencing.

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

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

20 (q) Information prohibited from being disclosed by the  
21 Personnel Record Review Act.

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

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

26 (t) (Blank).

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

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

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

17 (w) Personally identifiable information which is  
18 exempted from disclosure under subsection (g) of Section  
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure  
21 under Section 5-1014.3 of the Counties Code or Section  
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult  
24 Protective Services Act and its predecessor enabling  
25 statute, the Elder Abuse and Neglect Act, including  
26 information about the identity and administrative finding



1 against any caregiver of a verified and substantiated  
2 decision of abuse, neglect, or financial exploitation of  
3 an eligible adult maintained in the Registry established  
4 under Section 7.5 of the Adult Protective Services Act.

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

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

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

13 (cc) Recordings made under the Law Enforcement  
14 Officer-Worn Body Camera Act, except to the extent  
15 authorized under that Act.

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

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

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

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

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

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

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

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

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

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

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

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

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

1 (qq) Information and records held by the Department of  
2 Public Health and its authorized representatives collected  
3 under the Reproductive Health Act.

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

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

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

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

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

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

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

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

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

26 (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

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

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

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

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

15 (fff) Images from cameras under the Expressway Camera  
16 Act. This subsection (fff) is inoperative on and after  
17 July 1, 2025.

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

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

1 (iii) Data exempt from disclosure under Section 50 of  
2 the School Safety Drill Act.

3 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
4 Section 30 of the Insurance Data Security Law.

5 (kkk) ~~(iii)~~ Confidential business information  
6 prohibited from disclosure under Section 45 of the Paint  
7 Stewardship Act.

8 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
9 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
10 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
11 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
12 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
13 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

14 (Text of Section after amendment by P.A. 103-472)

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20 decision of abuse, neglect, or financial exploitation of  
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5 Section 50 of the Sexual Assault Evidence Submission Act.

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7 subsections (f) and (j) of Section 5-36 of the Illinois  
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10 Section 16.8 of the State Treasurer Act.

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18 Act.

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20 the School Safety Drill Act.

21 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
22 Section 30 of the Insurance Data Security Law.

23 (kkk) ~~(iii)~~ Confidential business information  
24 prohibited from disclosure under Section 45 of the Paint  
25 Stewardship Act.

26 (lll) ~~(iii)~~ Data exempt from disclosure under Section

1 2-3.196 of the School Code.

2 (mmm) Recordings or parts of recordings made under the  
3 Public Official Body Camera Act not explicitly requested  
4 by a requester.

5 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
6 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
7 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
8 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
9 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
10 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
11 revised 9-5-23.)

12 Section 900. No acceleration or delay. Where this Act  
13 makes changes in a statute that is represented in this Act by  
14 text that is not yet or no longer in effect (for example, a  
15 Section represented by multiple versions), the use of that  
16 text does not accelerate or delay the taking effect of (i) the  
17 changes made by this Act or (ii) provisions derived from any  
18 other Public Act.