



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5049

Introduced 2/8/2024, by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

New Act

Creates the Nonpublic Forum Regulation Act. Provides that a unit of local government or State agency may designate areas within a public building that are nonpublic forums where photography and video recording are prohibited. Provides that, if a unit of local government or State agency has designated an area as a nonpublic forum, the unit or agency must conspicuously post a sign, no smaller than 12 inches by 12 inches, indicating that the area is a nonpublic forum. Prohibits photographing or video recording in an area designated as a nonpublic forum, and provides that a person that violates the provisions is liable for a civil penalty not to exceed \$100 for each day that the person takes photographs or video recordings in violation of the provisions. Provides that an official or employee of a unit of local government may refer a violation of the provisions to the State's Attorney and an official or employee of a State agency may refer a violation of the provisions to the Attorney General for prosecution of the civil penalty and collection of the fine. Provides that a State's Attorney or the Attorney General may also bring an action to seek a temporary restraining order prohibiting a person who has violated the provisions from entering an area designated as a nonpublic forum. Provides that moneys received from payment of civil penalties resulting from a violation in a unit of local government nonpublic forum shall be paid into the treasury of the unit of local government for general unit operations, and provides that moneys received from payment of civil penalties resulting from a violation in a State agency nonpublic forum shall be paid into the General Revenue Fund for general State governmental operations.

LRB103 36379 AWJ 66480 b

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 1. Short title. This Act may be cited as the
5 Nonpublic Forum Regulation Act.

6 Section 5. Definitions. As used in this Act:

7 "Nonpublic forum" means public property intentionally
8 designated by the government as a place that is not for public
9 expression or public property not traditionally open to public
10 expression. "Nonpublic forum" includes portions of government
11 offices used to carry out government functions and not open to
12 public expression and private waiting areas in those portions
13 of public buildings. "Nonpublic forum" does not include
14 traditional public forums.

15 "State agency" has the meaning given to that term in
16 Section 1-114 of the Illinois Governmental Ethics Act.

17 "Traditional public forum" means public property (i) that
18 by long tradition or by government fiat has been devoted to
19 assembly and debate, such as streets and parks, or (ii) that is
20 not traditionally open to assembly and debate that the
21 government has opened for use by the public as a place for
22 expressive activity, such as university public meeting
23 facilities, school board meeting facilities, or municipal

1 theaters.

2 Section 10. Designation of nonpublic forums; restrictions;
3 signs.

4 (a) A unit of local government or State agency may
5 designate areas within a public building that are nonpublic
6 forums where photography and video recording are prohibited.

7 (b) If a unit of local government or State agency has
8 designated an area under subsection (a), the unit or agency
9 must conspicuously post a sign, no smaller than 12 inches by 12
10 inches, indicating that the area is a nonpublic forum and must
11 include on the sign an image indicating that no photography or
12 video recording may occur in the area.

13 Section 15. Enforcement, civil penalty.

14 (a) A person may not photograph or record a video in an
15 area designated as a nonpublic forum under Section 10.

16 (b) A person is liable for a civil penalty not to exceed
17 \$100 for each day that the person takes photographs or video
18 recordings in violation of subsection (a). An official or
19 employee of a unit of local government may refer a violation of
20 subsection (a) to the State's Attorney for prosecution, and an
21 official or employee of a State agency may refer a violation of
22 subsection (a) to the Attorney General for prosecution. A
23 State's Attorney or the Attorney General may file an action in
24 circuit court to prosecute the violation and enforce the

1 collection of the civil penalty. The State's Attorney or
2 Attorney General may also bring an action to seek a temporary
3 restraining order prohibiting a person who has violated
4 subsection (a) from entering an area designated as a nonpublic
5 forum.

6 (c) Moneys received from payment of civil penalties under
7 subsection (b) resulting from a violation in a unit of local
8 government nonpublic forum shall be paid into the treasury of
9 the unit of local government for general unit operations.
10 Moneys received from payment of civil penalties under
11 subsection (b) resulting from a violation in a State agency
12 nonpublic forum shall be paid into the General Revenue Fund
13 for general State governmental operations.