



Sen. Julie A. Morrison

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10300SB0594sam002

LRB103 03066 AWJ 71864 a

1 AMENDMENT TO SENATE BILL 594

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 594, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment  
4 No. 1, on page 19, line 12, by replacing "Section 10-10" with  
5 "Sections 10-10 and 10-20"; and

6 on page 20, by replacing lines 15 through 19 with "Law  
7 enforcement officers who are not primarily assigned to perform  
8 or respond to law enforcement-related encounters or activities  
9 and are not equipped with a body-camera for that reason are not  
10 considered to be "in uniform" for purposes of this Act when  
11 performing or responding to law enforcement-related encounters  
12 or activities due to exigent or emergency circumstances."; and

13 on page 22, immediately below line 8, by inserting the  
14 following:

15 "(50 ILCS 706/10-20)

1           Sec. 10-20. Requirements.

2           (a) The Board shall develop basic guidelines for the use  
3 of officer-worn body cameras by law enforcement agencies. The  
4 guidelines developed by the Board shall be the basis for the  
5 written policy which must be adopted by each law enforcement  
6 agency which employs the use of officer-worn body cameras. The  
7 written policy adopted by the law enforcement agency must  
8 include, at a minimum, all of the following:

9           (1) Cameras must be equipped with pre-event recording,  
10 capable of recording at least the 30 seconds prior to  
11 camera activation, unless the officer-worn body camera was  
12 purchased and acquired by the law enforcement agency prior  
13 to July 1, 2015.

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

18           (3) Cameras must be turned on at all times when the  
19 officer is in uniform and is responding to calls for  
20 service or engaged in any law enforcement-related  
21 encounter or activity that occurs while the officer is on  
22 duty.

23           (A) If exigent circumstances exist which prevent  
24 the camera from being turned on, the camera must be  
25 turned on as soon as practicable.

26           (B) Officer-worn body cameras may be turned off

1           when the officer is inside of a patrol car which is  
2           equipped with a functioning in-car camera; however,  
3           the officer must turn on the camera upon exiting the  
4           patrol vehicle for law enforcement-related encounters.

5           (C) Officer-worn body cameras may be turned off  
6           when the officer is inside a correctional facility or  
7           courthouse which is equipped with a functioning camera  
8           system.

9           (4) Cameras must be turned off when:

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

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

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

19           (D) an officer of the Department of Revenue enters  
20           a Department of Revenue facility or conducts an  
21           interview during which return information will be  
22           discussed or visible.

23           However, an officer may continue to record or resume  
24           recording a victim or a witness, if exigent circumstances  
25           exist, or if the officer has reasonable articulable  
26           suspicion that a victim or witness, or confidential

1 informant has committed or is in the process of committing  
2 a crime. Under these circumstances, and unless impractical  
3 or impossible, the officer must indicate on the recording  
4 the reason for continuing to record despite the request of  
5 the victim or witness.

6 (4.5) Cameras may be turned off when the officer is  
7 engaged in community caretaking functions. However, the  
8 camera must be turned on when the officer has reason to  
9 believe that the person on whose behalf the officer is  
10 performing a community caretaking function has committed  
11 or is in the process of committing a crime. If exigent  
12 circumstances exist which prevent the camera from being  
13 turned on, the camera must be turned on as soon as  
14 practicable.

15 (5) The officer must provide notice of recording to  
16 any person if the person has a reasonable expectation of  
17 privacy and proof of notice must be evident in the  
18 recording. If exigent circumstances exist which prevent  
19 the officer from providing notice, notice must be provided  
20 as soon as practicable.

21 (6) (A) For the purposes of redaction or duplicating  
22 recordings, access to camera recordings shall be  
23 restricted to only those personnel responsible for those  
24 purposes. The recording officer or his or her supervisor  
25 may not redact, duplicate, or otherwise alter the  
26 recording officer's camera recordings. Except as otherwise

1 provided in this Section, the recording officer and his or  
2 her supervisor may access and review recordings prior to  
3 completing incident reports or other documentation,  
4 provided that the supervisor discloses that fact in the  
5 report or documentation.

6 (i) A law enforcement officer shall not have  
7 access to or review his or her body-worn camera  
8 recordings or the body-worn camera recordings of  
9 another officer prior to completing incident reports  
10 or other documentation when the officer:

11 (a) has been involved in or is a witness to an  
12 officer-involved shooting, use of deadly force  
13 incident, or use of force incidents resulting in  
14 great bodily harm;

15 (b) is ordered to write a report in response  
16 to or during the investigation of a misconduct  
17 complaint against the officer.

18 (ii) If the officer subject to subparagraph (i)  
19 prepares a report, any report shall be prepared  
20 without viewing body-worn camera recordings, and  
21 subject to supervisor's approval, officers may file  
22 amendatory reports after viewing body-worn camera  
23 recordings. Supplemental reports under this provision  
24 shall also contain documentation regarding access to  
25 the video footage.

26 (B) The recording officer's assigned field

1 training officer may access and review recordings for  
2 training purposes. Any detective or investigator  
3 directly involved in the investigation of a matter may  
4 access and review recordings which pertain to that  
5 investigation but may not have access to delete or  
6 alter such recordings.

7 (7) Recordings made on officer-worn cameras must be  
8 retained by the law enforcement agency or by the camera  
9 vendor used by the agency, on a recording medium for a  
10 minimum period of 90 days and no longer than 2 years unless  
11 flagged.

12 (A) Under no circumstances shall any recording,  
13 except for a non-law enforcement related activity or  
14 encounter, made with an officer-worn body camera be  
15 altered, erased, or destroyed prior to the expiration  
16 of the ~~90-day~~ storage period. In the event any  
17 recording made with an officer-worn body camera is  
18 altered, erased, or destroyed prior to the expiration  
19 of the ~~90-day~~ storage period, the law enforcement  
20 agency shall maintain, for a period of one year, a  
21 written record including (i) the name of the  
22 individual who made such alteration, erasure, or  
23 destruction, and (ii) the reason for any such  
24 alteration, erasure, or destruction.

25 (B) Following the ~~90-day~~ storage period, any and  
26 all recordings made with an officer-worn body camera

1 must be destroyed, unless any encounter captured on  
2 the recording has been flagged. An encounter is deemed  
3 to be flagged when:

4 (i) a formal or informal complaint has been  
5 filed;

6 (ii) the officer discharged his or her firearm  
7 or used force during the encounter;

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

10 (iv) the encounter resulted in a detention or  
11 an arrest, excluding traffic stops which resulted  
12 in only a minor traffic offense or business  
13 offense;

14 (v) the officer is the subject of an internal  
15 investigation or otherwise being investigated for  
16 possible misconduct;

17 (vi) the supervisor of the officer,  
18 prosecutor, defendant, or court determines that  
19 the encounter has evidentiary value in a criminal  
20 prosecution; or

21 (vii) the recording officer requests that the  
22 video be flagged for official purposes related to  
23 his or her official duties or believes it may have  
24 evidentiary value in a criminal prosecution.

25 (C) Under no circumstances shall any recording  
26 made with an officer-worn body camera relating to a

1           flagged encounter be altered or destroyed prior to 2  
2           years after the recording was flagged. If the flagged  
3           recording was used in a criminal, civil, or  
4           administrative proceeding, the recording shall not be  
5           destroyed except upon a final disposition and order  
6           from the court.

7           (D) Nothing in this Act prohibits law enforcement  
8           agencies from labeling officer-worn body camera video  
9           within the recording medium; provided that the  
10          labeling does not alter the actual recording of the  
11          incident captured on the officer-worn body camera. The  
12          labels, titles, and tags shall not be construed as  
13          altering the officer-worn body camera video in any  
14          way.

15          (8) Following the 90-day minimum storage period,  
16          recordings may be retained if a supervisor at the law  
17          enforcement agency designates the recording for training  
18          purposes. If the recording is designated for training  
19          purposes, the recordings may be viewed by officers, in the  
20          presence of a supervisor or training instructor, for the  
21          purposes of instruction, training, or ensuring compliance  
22          with agency policies.

23          (9) Recordings shall not be used to discipline law  
24          enforcement officers unless:

25                 (A) a formal or informal complaint of misconduct  
26                 has been made;



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

2 (C) the encounter on the recording could result in  
3 a formal investigation under the Uniform Peace  
4 Officers' Disciplinary Act; or

5 (D) as corroboration of other evidence of  
6 misconduct.

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

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

19 (11) No officer may hinder or prohibit any person, not  
20 a law enforcement officer, from recording a law  
21 enforcement officer in the performance of his or her  
22 duties in a public place or when the officer has no  
23 reasonable expectation of privacy. The law enforcement  
24 agency's written policy shall indicate the potential  
25 criminal penalties, as well as any departmental  
26 discipline, which may result from unlawful confiscation or

1 destruction of the recording medium of a person who is not  
2 a law enforcement officer. However, an officer may take  
3 reasonable action to maintain safety and control, secure  
4 crime scenes and accident sites, protect the integrity and  
5 confidentiality of investigations, and protect the public  
6 safety and order.

7 (b) Recordings made with the use of an officer-worn body  
8 camera are not subject to disclosure under the Freedom of  
9 Information Act, except that:

10 (1) ~~if the subject of the encounter has a reasonable~~  
11 ~~expectation of privacy, at the time of the recording,~~ any  
12 recording which is flagged, due to the filing of a  
13 complaint, discharge of a firearm, use of force, arrest or  
14 detention, or resulting death or bodily harm, shall be  
15 disclosed in accordance with the Freedom of Information  
16 Act if the subject of the encounter captured on the  
17 recording or the subject's legal representative gives  
18 written permission for the release;±

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

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

24 (2) (blank); and ~~except as provided in paragraph (1)~~  
25 ~~of this subsection (b), any recording which is flagged due~~  
26 ~~to the filing of a complaint, discharge of a firearm, use~~

1 ~~of force, arrest or detention, or resulting death or~~  
2 ~~bodily harm shall be disclosed in accordance with the~~  
3 ~~Freedom of Information Act; and~~

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

9 ~~For the purposes of paragraph (1) of this subsection (b),~~  
10 ~~the subject of the encounter does not have a reasonable~~  
11 ~~expectation of privacy if the subject was arrested as a result~~  
12 ~~of the encounter. For purposes of subparagraph (A) of~~  
13 ~~paragraph (1) of this subsection (b), "witness" does not~~  
14 ~~include a person who is a victim or who was arrested as a~~  
15 ~~result of the encounter.~~

16 Only recordings or portions of recordings responsive to  
17 the request shall be available for inspection or reproduction.  
18 Any recording disclosed under the Freedom of Information Act  
19 shall be redacted to remove identification of any person that  
20 appears on the recording and is not the officer, a subject of  
21 the encounter, or directly involved in the encounter. Nothing  
22 in this subsection (b) shall require the disclosure of any  
23 recording or portion of any recording which would be exempt  
24 from disclosure under the Freedom of Information Act.

25 (c) Nothing in this Section shall limit access to a camera  
26 recording for the purposes of complying with Supreme Court

1 rules or the rules of evidence.

2 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;

3 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.

4 12-6-22.)".