

1 AN ACT to amend the Code of Civil Procedure by adding
2 Section 2-1306.

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

5 Section 5. The Code of Civil Procedure is amended by
6 adding Section 2-1306 as follows:

7 (735 ILCS 5/2-1306 new)

8 Sec. 2-1306. Sunshine in litigation.

9 (a) As used in this Section, "public hazard" means an
10 instrumentality, including but not limited to a device, an
11 instrument, a person, a procedure, a product, or a condition
12 of a device, an instrument, a person, a procedure, or a
13 product, that has caused and is likely to cause injury.

14 (b) Except under this Section, no court shall enter an
15 order or a judgment that has the purpose or effect of
16 concealing a public hazard or any information concerning a
17 public hazard, nor shall the court enter an order or a
18 judgment that has the purpose or effect of concealing any
19 information that may be useful to members of the public in
20 protecting themselves from injury that may result from the
21 public hazard.

22 (c) Any portion of an agreement or a contract that has
23 the purpose or effect of concealing a public hazard, any
24 information concerning a public hazard, or any information
25 that may be useful to members of the public in protecting
26 themselves from injury that may result from the public hazard
27 is void and contrary to public policy and may not be
28 enforced.

29 (d) Any substantially affected person, including but not
30 limited to representatives of news media, has standing to
31 contest an order, a judgment, an agreement, or a contract

1 that violates this Section. A person may contest an order, a
2 judgment, an agreement, or a contract that violates this
3 Section by motion in the court that entered the order or
4 judgment or by bringing an action for declaratory judgment.

5 (e) Upon motion and good cause shown by a party
6 attempting to prevent disclosure of information or materials
7 that have not previously been disclosed, including but not
8 limited to alleged trade secrets, the court shall examine the
9 disputed information or materials in camera. If the court
10 finds that the information or materials or portions of the
11 information or materials consist of information concerning a
12 public hazard or information that may be useful to members of
13 the public in protecting themselves from injury that may
14 result from a public hazard, the court shall allow disclosure
15 of the information or materials. If allowing disclosure, the
16 court shall allow disclosure of only that portion of the
17 information or materials necessary or useful to the public
18 regarding the public hazard.

19 (f) This Section applies to causes of action accruing on
20 or after July 1, 2003.

21 Section 99. Effective date. This Act takes effect July
22 1, 2003.