

1 AMENDMENT TO HOUSE BILL 361

2 AMENDMENT NO. _____. Amend House Bill 361, AS AMENDED, by
3 replacing the title with the following:

4 "AN ACT concerning law enforcement, amending named
5 Acts."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 3. The Freedom of Information Act is amended by
9 changing Section 7 as follows:

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and
13 copying:

14 (a) Information specifically prohibited from
15 disclosure by federal or State law or rules and
16 regulations adopted under federal or State law.

17 (b) Information that, if disclosed, would
18 constitute a clearly unwarranted invasion of personal
19 privacy, unless the disclosure is consented to in writing
20 by the individual subjects of the information. The
21 disclosure of information that bears on the public duties

1 of public employees and officials shall not be considered
2 an invasion of personal privacy. Information exempted
3 under this subsection (b) shall include but is not
4 limited to:

5 (i) files and personal information maintained
6 with respect to clients, patients, residents,
7 students or other individuals receiving social,
8 medical, educational, vocational, financial,
9 supervisory or custodial care or services directly
10 or indirectly from federal agencies or public
11 bodies;

12 (ii) personnel files and personal information
13 maintained with respect to employees, appointees or
14 elected officials of any public body or applicants
15 for those positions;

16 (iii) files and personal information
17 maintained with respect to any applicant, registrant
18 or licensee by any public body cooperating with or
19 engaged in professional or occupational
20 registration, licensure or discipline;

21 (iv) information required of any taxpayer in
22 connection with the assessment or collection of any
23 tax unless disclosure is otherwise required by State
24 statute; and

25 (v) information revealing the identity of
26 persons who file complaints with or provide
27 information to administrative, investigative, law
28 enforcement or penal agencies; provided, however,
29 that identification of witnesses to traffic
30 accidents, traffic accident reports, and rescue
31 reports may be provided by agencies of local
32 government, except in a case for which a criminal
33 investigation is ongoing, without constituting a
34 clearly unwarranted per se invasion of personal

1 privacy under this subsection.

2 (c) Records compiled by any public body for
3 administrative enforcement proceedings and any law
4 enforcement or correctional agency for law enforcement
5 purposes or for internal matters of a public body, but
6 only to the extent that disclosure would:

7 (i) interfere with pending or actually and
8 reasonably contemplated law enforcement proceedings
9 conducted by any law enforcement or correctional
10 agency;

11 (ii) interfere with pending administrative
12 enforcement proceedings conducted by any public
13 body;

14 (iii) deprive a person of a fair trial or an
15 impartial hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source or confidential information
18 furnished only by the confidential source;

19 (v) disclose unique or specialized
20 investigative techniques other than those generally
21 used and known or disclose internal documents of
22 correctional agencies related to detection,
23 observation or investigation of incidents of crime
24 or misconduct;

25 (vi) constitute an invasion of personal
26 privacy under subsection (b) of this Section;

27 (vii) endanger the life or physical safety of
28 law enforcement personnel or any other person; or

29 (viii) obstruct an ongoing criminal
30 investigation.

31 (d) Criminal history record information maintained
32 by State or local criminal justice agencies, except the
33 following which shall be open for public inspection and
34 copying:

1 (i) chronologically maintained arrest
2 information, such as traditional arrest logs or
3 blotters;

4 (ii) the name of a person in the custody of a
5 law enforcement agency and the charges for which
6 that person is being held;

7 (iii) court records that are public;

8 (iv) records that are otherwise available
9 under State or local law; or

10 (v) records in which the requesting party is
11 the individual identified, except as provided under
12 part (vii) of paragraph (c) of subsection (1) of
13 this Section.

14 "Criminal history record information" means data
15 identifiable to an individual and consisting of
16 descriptions or notations of arrests, detentions,
17 indictments, informations, pre-trial proceedings, trials,
18 or other formal events in the criminal justice system or
19 descriptions or notations of criminal charges (including
20 criminal violations of local municipal ordinances) and
21 the nature of any disposition arising therefrom,
22 including sentencing, court or correctional supervision,
23 rehabilitation and release. The term does not apply to
24 statistical records and reports in which individuals are
25 not identified and from which their identities are not
26 ascertainable, or to information that is for criminal
27 investigative or intelligence purposes.

28 (e) Records that relate to or affect the security
29 of correctional institutions and detention facilities.

30 (f) Preliminary drafts, notes, recommendations,
31 memoranda and other records in which opinions are
32 expressed, or policies or actions are formulated, except
33 that a specific record or relevant portion of a record
34 shall not be exempt when the record is publicly cited and

1 identified by the head of the public body. The exemption
2 provided in this paragraph (f) extends to all those
3 records of officers and agencies of the General Assembly
4 that pertain to the preparation of legislative documents.

5 (g) Trade secrets and commercial or financial
6 information obtained from a person or business where the
7 trade secrets or information are proprietary, privileged
8 or confidential, or where disclosure of the trade secrets
9 or information may cause competitive harm, including all
10 information determined to be confidential under Section
11 4002 of the Technology Advancement and Development Act.
12 Nothing contained in this paragraph (g) shall be
13 construed to prevent a person or business from consenting
14 to disclosure.

15 (h) Proposals and bids for any contract, grant, or
16 agreement, including information which if it were
17 disclosed would frustrate procurement or give an
18 advantage to any person proposing to enter into a
19 contractor agreement with the body, until an award or
20 final selection is made. Information prepared by or for
21 the body in preparation of a bid solicitation shall be
22 exempt until an award or final selection is made.

23 (i) Valuable formulae, computer geographic systems,
24 designs, drawings and research data obtained or produced
25 by any public body when disclosure could reasonably be
26 expected to produce private gain or public loss.

27 (j) Test questions, scoring keys and other
28 examination data used to administer an academic
29 examination or determined the qualifications of an
30 applicant for a license or employment.

31 (k) Architects' plans and engineers' technical
32 submissions for projects not constructed or developed in
33 whole or in part with public funds and for projects
34 constructed or developed with public funds, to the extent

1 that disclosure would compromise security.

2 (l) Library circulation and order records
3 identifying library users with specific materials.

4 (m) Minutes of meetings of public bodies closed to
5 the public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public
7 under Section 2.06 of the Open Meetings Act.

8 (n) Communications between a public body and an
9 attorney or auditor representing the public body that
10 would not be subject to discovery in litigation, and
11 materials prepared or compiled by or for a public body in
12 anticipation of a criminal, civil or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

16 (o) Information received by a primary or secondary
17 school, college or university under its procedures for
18 the evaluation of faculty members by their academic
19 peers.

20 (p) Administrative or technical information
21 associated with automated data processing operations,
22 including but not limited to software, operating
23 protocols, computer program abstracts, file layouts,
24 source listings, object modules, load modules, user
25 guides, documentation pertaining to all logical and
26 physical design of computerized systems, employee
27 manuals, and any other information that, if disclosed,
28 would jeopardize the security of the system or its data
29 or the security of materials exempt under this Section.

30 (q) Documents or materials relating to collective
31 negotiating matters between public bodies and their
32 employees or representatives, except that any final
33 contract or agreement shall be subject to inspection and
34 copying.

1 (r) Drafts, notes, recommendations and memoranda
2 pertaining to the financing and marketing transactions of
3 the public body. The records of ownership, registration,
4 transfer, and exchange of municipal debt obligations, and
5 of persons to whom payment with respect to these
6 obligations is made.

7 (s) The records, documents and information relating
8 to real estate purchase negotiations until those
9 negotiations have been completed or otherwise terminated.
10 With regard to a parcel involved in a pending or actually
11 and reasonably contemplated eminent domain proceeding
12 under Article VII of the Code of Civil Procedure,
13 records, documents and information relating to that
14 parcel shall be exempt except as may be allowed under
15 discovery rules adopted by the Illinois Supreme Court.
16 The records, documents and information relating to a real
17 estate sale shall be exempt until a sale is consummated.

18 (t) Any and all proprietary information and records
19 related to the operation of an intergovernmental risk
20 management association or self-insurance pool or jointly
21 self-administered health and accident cooperative or
22 pool.

23 (u) Information concerning a university's
24 adjudication of student or employee grievance or
25 disciplinary cases, to the extent that disclosure would
26 reveal the identity of the student or employee and
27 information concerning any public body's adjudication of
28 student or employee grievances or disciplinary cases,
29 except for the final outcome of the cases.

30 (v) Course materials or research materials used by
31 faculty members.

32 (w) Information related solely to the internal
33 personnel rules and practices of a public body.

34 (x) Information contained in or related to

1 examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of a public body responsible
3 for the regulation or supervision of financial
4 institutions or insurance companies, unless disclosure is
5 otherwise required by State law.

6 (y) Information the disclosure of which is
7 restricted under Section 5-108 of the Public Utilities
8 Act.

9 (z) Manuals or instruction to staff that relate to
10 establishment or collection of liability for any State
11 tax or that relate to investigations by a public body to
12 determine violation of any criminal law.

13 (aa) Applications, related documents, and medical
14 records received by the Experimental Organ
15 Transplantation Procedures Board and any and all
16 documents or other records prepared by the Experimental
17 Organ Transplantation Procedures Board or its staff
18 relating to applications it has received.

19 (bb) Insurance or self insurance (including any
20 intergovernmental risk management association or self
21 insurance pool) claims, loss or risk management
22 information, records, data, advice or communications.

23 (cc) Information and records held by the Department
24 of Public Health and its authorized representatives
25 relating to known or suspected cases of sexually
26 transmissible disease or any information the disclosure
27 of which is restricted under the Illinois Sexually
28 Transmissible Disease Control Act.

29 (dd) Information the disclosure of which is
30 exempted under Section 30 of the Radon Industry Licensing
31 Act.

32 (ee) Firm performance evaluations under Section 55
33 of the Architectural, Engineering, and Land Surveying
34 Qualifications Based Selection Act.

1 (ff) Security portions of system safety program
2 plans, investigation reports, surveys, schedules, lists,
3 data, or information compiled, collected, or prepared by
4 or for the Regional Transportation Authority under
5 Section 2.11 of the Regional Transportation Authority Act
6 or the St. Clair County Transit District under the
7 Bi-State Transit Safety Act.

8 (gg) Information the disclosure of which is
9 restricted and exempted under Section 50 of the Illinois
10 Prepaid Tuition Act.

11 (hh) Information the disclosure of which is
12 exempted under Section 80 of the State Gift Ban Act.

13 (ii) Beginning July 1, 1999, information that would
14 disclose or might lead to the disclosure of secret or
15 confidential information, codes, algorithms, programs, or
16 private keys intended to be used to create electronic or
17 digital signatures under the Electronic Commerce Security
18 Act.

19 (jj) Information contained in a local emergency
20 energy plan submitted to a municipality in accordance
21 with a local emergency energy plan ordinance that is
22 adopted under Section 11-21.5-5 of the Illinois Municipal
23 Code.

24 (kk) Information and data concerning the
25 distribution of surcharge moneys collected and remitted
26 by wireless carriers under the Wireless Emergency
27 Telephone Safety Act.

28 ~~(ll) Law enforcement officer identification~~
29 ~~information or driver identification information compiled~~
30 ~~by a law enforcement agency or the Department of~~
31 ~~Transportation under Section 11-212 of the Illinois~~
32 ~~Vehicle Code.~~

33 (2) This Section does not authorize withholding of
34 information or limit the availability of records to the

1 public, except as stated in this Section or otherwise
2 provided in this Act.

3 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
4 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
5 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
6 eff. 7-11-02.)

7 Section 5. The Department of State Police Law within the
8 Civil Administrative Code of Illinois is amended by adding
9 Section 2605-85 as follows:

10 (20 ILCS 2605/2605-85 new)

11 Sec. 2605-85. Training; cultural diversity. The
12 Department shall provide training and continuing education to
13 State Police officers concerning cultural diversity,
14 including sensitivity toward racial and ethnic differences.
15 This training and continuing education shall include, but not
16 be limited to, an emphasis on the fact that the primary
17 purpose of enforcement of the Illinois Vehicle Code is safety
18 and equal and uniform enforcement under the law.

19 Section 7. The State Mandates Act is amended by adding
20 Section 8.27 as follows:

21 (30 ILCS 805/8.27 new)

22 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
23 and 8 of this Act, no reimbursement by the State is required
24 for the implementation of any mandate created by this
25 amendatory Act of the 93rd General Assembly.

26 Section 10. The Illinois Police Training Act is amended
27 by changing Section 7 as follows:

28 (50 ILCS 705/7) (from Ch. 85, par. 507)

1 Sec. 7. Rules and standards for schools. The Board shall
2 adopt rules and minimum standards for such schools which
3 shall include but not be limited to the following:

4 a. The curriculum for probationary police officers which
5 shall be offered by all certified schools shall include but
6 not be limited to courses of arrest, search and seizure,
7 civil rights, human relations, cultural diversity, including
8 racial and ethnic sensitivity, criminal law, law of criminal
9 procedure, vehicle and traffic law including uniform and
10 non-discriminatory enforcement of the Illinois Vehicle Code,
11 traffic control and accident investigation, techniques of
12 obtaining physical evidence, court testimonies, statements,
13 reports, firearms training, first-aid (including
14 cardiopulmonary resuscitation), handling of juvenile
15 offenders, recognition of mental conditions which require
16 immediate assistance and methods to safeguard and provide
17 assistance to a person in need of mental treatment, law of
18 evidence, the hazards of high-speed police vehicle chases
19 with an emphasis on alternatives to the high-speed chase, and
20 physical training. The curriculum shall include specific
21 training in techniques for immediate response to and
22 investigation of cases of domestic violence and of sexual
23 assault of adults and children. The curriculum for permanent
24 police officers shall include but not be limited to (1)
25 refresher and in-service training in any of the courses
26 listed above in this subparagraph, (2) advanced courses in
27 any of the subjects listed above in this subparagraph, (3)
28 training for supervisory personnel, and (4) specialized
29 training in subjects and fields to be selected by the board.

30 b. Minimum courses of study, attendance requirements and
31 equipment requirements.

32 c. Minimum requirements for instructors.

33 d. Minimum basic training requirements, which a
34 probationary police officer must satisfactorily complete

1 before being eligible for permanent employment as a local law
2 enforcement officer for a participating local governmental
3 agency. Those requirements shall include training in first
4 aid (including cardiopulmonary resuscitation).

5 e. Minimum basic training requirements, which a
6 probationary county corrections officer must satisfactorily
7 complete before being eligible for permanent employment as a
8 county corrections officer for a participating local
9 governmental agency.

10 f. Minimum basic training requirements which a
11 probationary court security officer must satisfactorily
12 complete before being eligible for permanent employment as a
13 court security officer for a participating local governmental
14 agency. The Board shall establish those training
15 requirements which it considers appropriate for court
16 security officers and shall certify schools to conduct that
17 training.

18 A person hired to serve as a court security officer must
19 obtain from the Board a certificate (i) attesting to his or
20 her successful completion of the training course; (ii)
21 attesting to his or her satisfactory completion of a training
22 program of similar content and number of hours that has been
23 found acceptable by the Board under the provisions of this
24 Act; or (iii) attesting to the Board's determination that the
25 training course is unnecessary because of the person's
26 extensive prior law enforcement experience.

27 Individuals who currently serve as court security
28 officers shall be deemed qualified to continue to serve in
29 that capacity so long as they are certified as provided by
30 this Act within 24 months of the effective date of this
31 amendatory Act of 1996. Failure to be so certified, absent a
32 waiver from the Board, shall cause the officer to forfeit his
33 or her position.

34 All individuals hired as court security officers on or

1 after the effective date of this amendatory Act of 1996 shall
 2 be certified within 12 months of the date of their hire,
 3 unless a waiver has been obtained by the Board, or they shall
 4 forfeit their positions.

5 The Sheriff's Merit Commission, if one exists, or the
 6 Sheriff's Office if there is no Sheriff's Merit Commission,
 7 shall maintain a list of all individuals who have filed
 8 applications to become court security officers and who meet
 9 the eligibility requirements established under this Act.
 10 Either the Sheriff's Merit Commission, or the Sheriff's
 11 Office if no Sheriff's Merit Commission exists, shall
 12 establish a schedule of reasonable intervals for verification
 13 of the applicants' qualifications under this Act and as
 14 established by the Board.

15 (Source: P.A. 88-661, eff. 1-1-95; 89-685, eff. 6-1-97;
 16 89-707, eff. 6-1-97.)

17 Section 15. The Illinois Vehicle Code is amended by
 18 adding Section 11-212 as follows:

19 (625 ILCS 5/11-212 new)

20 Sec. 11-212. Traffic stop statistical study.

21 (a) From January 1, 2004 until December 31, 2007,
 22 whenever a State or local law enforcement officer issues a
 23 uniform traffic citation or warning citation for an alleged
 24 violation of the Illinois Vehicle Code, he or she shall
 25 record at least the following:

26 (1) the name, address, gender, and the officer's
 27 subjective determination of the race of the person
 28 stopped; the person's race shall be selected from the
 29 following list: Caucasian, African-American, Hispanic,
 30 Native American/Alaska Native, or Asian/Pacific Islander;

31 (2) the alleged traffic violation that led to the
 32 stop of the motorist;

1 (3) the make and year of the vehicle stopped;

2 (4) the date and time of the stop;

3 (5) the location of the traffic stop;

4 (6) whether or not a search contemporaneous to the
5 stop was conducted of the vehicle, driver, passenger, or
6 passengers; and, if so, whether it was with consent or by
7 other means; and

8 (7) the name and badge number of the issuing
9 officer.

10 (b) From January 1, 2004 until December 31, 2007,
11 whenever a State or local law enforcement officer stops a
12 motorist for an alleged violation of the Illinois Vehicle
13 Code and does not issue a uniform traffic citation or warning
14 citation for an alleged violation of the Illinois Vehicle
15 Code, he or she shall complete a uniform stop card, which
16 includes field contact cards, or any other existing form
17 currently used by law enforcement containing information
18 required pursuant to this Act, that records at least the
19 following:

20 (1) the name, address, gender, and the officer's
21 subjective determination of the race of the person
22 stopped; the person's race shall be selected from the
23 following list: Caucasian, African-American, Hispanic,
24 Native American/Alaska Native, or Asian/Pacific Islander;

25 (2) the reason that led to the stop of the
26 motorist;

27 (3) the make and year of the vehicle stopped;

28 (4) the date and time of the stop;

29 (5) the location of the traffic stop;

30 (6) whether or not a search contemporaneous to the
31 stop was conducted of the vehicle, driver, passenger, or
32 passengers; and, if so, whether it was with consent or by
33 other means; and

34 (7) the name and badge number of the issuing

1 officer.

2 (c) Every law enforcement agency shall collect and
3 transmit the data as described in subsections (a) and (b) to
4 the Illinois Department of Transportation, in such a manner
5 and at such times as the Department may require.

6 (d) The Illinois Department of Transportation shall
7 analyze the data provided by law enforcement agencies
8 required by this Section and submit a report of the findings
9 to the Governor, the General Assembly, and each law
10 enforcement agency no later than March 1 in each of the years
11 2005, 2006, 2007, and 2008. The Illinois Department of
12 Transportation may contract with an outside entity for the
13 analysis of the data provided. In analyzing the data
14 collected under this Section, the analyzing entity shall
15 scrutinize the data for evidence of statistically significant
16 aberrations. The following list, which is illustrative, and
17 not exclusive, contains examples of areas in which
18 statistically significant aberrations may be found:

19 (1) The percentage of minority drivers or
20 passengers being stopped in a given area is substantially
21 higher than the proportion of the overall population in
22 or traveling through the area that the minority
23 constitutes.

24 (2) A substantial number of false stops including
25 stops not resulting in the issuance of a traffic ticket
26 or the making of an arrest.

27 (3) A disparity between the proportion of citations
28 issued to minorities and proportion of minorities in the
29 population.

30 (4) A disparity among the officers of the same law
31 enforcement agency with regard to the number of minority
32 drivers or passengers being stopped in a given area.

33 (5) A disparity between the frequency of searches
34 performed on minority drivers and the frequency of

1 searches performed on non-minority drivers.

2 (e) Any law enforcement officer identification
3 information or driver identification information that is
4 compiled by any law enforcement agency or the Illinois
5 Department of Transportation pursuant to this Act for the
6 purposes of fulfilling the requirements of this Section shall
7 be confidential and exempt from public inspection and
8 copying, as provided under Section 7 of the Freedom of
9 Information Act, and the information shall not be transmitted
10 to anyone except as needed to comply with this Section. This
11 Section shall not exempt those materials that, prior to the
12 effective date of this amendatory Act of the 93rd General
13 Assembly, were available under the Freedom of Information
14 Act.

15 (f) Funding to implement this Section shall come from
16 federal funds available to Illinois or from State and
17 community grants or highway safety grants, as directed by the
18 Governor.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."