

1 AN ACT concerning civil procedure.

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

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

6 (735 ILCS 5/2-1306 new)

7 Sec. 2-1306. Sunshine in litigation.

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

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

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

28 (d) Any substantially affected person, including but not  
29 limited to representatives of news media, has standing to  
30 contest an order, a judgment, an agreement, or a contract  
31 that violates this Section. A person may contest an order, a

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

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

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

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