

1 AMENDMENT TO HOUSE BILL 1191

2 AMENDMENT NO. _____. Amend House Bill 1191, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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 procedure, a product, or a condition of a
12 device, an instrument, a procedure, or a product, that has
13 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

1 the purpose or effect of concealing a public hazard, any
2 information concerning a public hazard, or any information
3 that may be useful to members of the public in protecting
4 themselves from injury that may result from the public hazard
5 is void and contrary to public policy and may not be
6 enforced.

7 (d) Any substantially affected person, including but not
8 limited to representatives of news media, has standing to
9 contest an order, a judgment, an agreement, or a contract
10 that violates this Section. A person may contest an order, a
11 judgment, an agreement, or a contract that violates this
12 Section by motion in the court that entered the order or
13 judgment or by bringing an action for declaratory judgment.

14 (e) Upon motion and good cause shown by a party
15 attempting to prevent disclosure of information or materials
16 that have not previously been disclosed, including but not
17 limited to alleged trade secrets, the court shall examine the
18 disputed information or materials in camera. If the court
19 finds that the information or materials or portions of the
20 information or materials consist of information concerning a
21 public hazard or information that may be useful to members of
22 the public in protecting themselves from injury that may
23 result from a public hazard, the court shall allow disclosure
24 of the information or materials. If allowing disclosure, the
25 court shall allow disclosure of only that portion of the
26 information or materials necessary or useful to the public
27 regarding the public hazard.

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

30 Section 99. Effective date. This Act takes effect July
31 1, 2003."