

1 AN ACT in relation to open meetings.

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

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. (a) All public bodies shall keep written  
8 minutes of all their open meetings and a verbatim record of  
9 all their closed meetings in the form of an audio or video  
10 recording. Minutes shall include, but need not be limited to:

11 (1) the date, time and place of the meeting;

12 (2) the members of the public body recorded as  
13 either present or absent; and

14 (3) a summary of discussion on all matters  
15 proposed, deliberated, or decided, and a record of any  
16 votes taken.

17 (b) The minutes of meetings open to the public shall be  
18 available for public inspection within 7 days of the approval  
19 of such minutes by the public body.

20 (c) The verbatim record may be destroyed without  
21 notification to or the approval of a records commission or  
22 the State Archivist under the Local Records Act or the State  
23 Records Act no less than 18 months after the completion of  
24 the meeting recorded but only after:

25 (1) the public body approves the destruction of a  
26 particular recording; and

27 (2) the public body approves minutes of the closed  
28 meeting that meet the written minutes requirements of  
29 subsection (a) of this Section.

30 (d) Each public body shall periodically, but no less  
31 than semi-annually, meet to review minutes and recordings of

1 all closed meetings. At such meetings a determination shall  
2 be made, and reported in an open session that (1) the need  
3 for confidentiality still exists as to all or part of those  
4 minutes or (2) that the minutes or recordings or portions  
5 thereof no longer require confidential treatment and are  
6 available for public inspection.

7 (e) Unless the public body has made a determination that  
8 the verbatim recording no longer requires confidential  
9 treatment or otherwise consents to disclosure, the verbatim  
10 record of a meeting closed to the public shall not be open  
11 for public inspection or subject to discovery in any  
12 administrative proceeding other than one brought to enforce  
13 this Act. In the case of a civil action brought to enforce  
14 this Act, the court shall ~~may~~ conduct such in camera  
15 examination of the verbatim record ~~as-it-finds-appropriate~~ in  
16 order to determine whether there has been a violation of this  
17 Act. In the case of a criminal proceeding, the court shall  
18 ~~may~~ conduct an in camera examination in order to determine  
19 what portions, if any, must be made available to the parties  
20 for use as evidence in the prosecution. If the court or  
21 administrative hearing officer determines that a complaint or  
22 suit brought for noncompliance under this Act is valid it  
23 may, for the purposes of discovery, redact from the minutes  
24 of the meeting closed to the public any information deemed to  
25 qualify under the attorney-client privilege. The provisions  
26 of this subsection do not supersede the privacy or  
27 confidentiality provisions of State or federal law.

28 (f) Minutes of meetings closed to the public shall be  
29 available only after the public body determines that it is no  
30 longer necessary to protect the public interest or the  
31 privacy of an individual by keeping them confidential.

32 (Source: P.A. 93-523, eff. 1-1-04.)

33 Section 99. Effective date. This Act takes effect on

1 January 1, 2004.