

1 AN ACT concerning public bodies.

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 minutes
8 of all their ~~open~~ meetings, whether open or closed, and a
9 verbatim record of all their closed meetings in the form of an
10 audio or video recording. Minutes shall include, but need not
11 be limited to:

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

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

15 (3) a summary of discussion on all matters proposed,
16 deliberated, or decided, and a record of any 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 the
22 State Archivist under the Local Records Act or the State
23 Records Act no less than 18 months after the completion of the
24 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 than
31 semi-annually, meet to review minutes ~~and recordings~~ of all
32 closed meetings. At such meetings a determination shall be

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

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

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

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