

HB7323



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB7323

Introduced 8/24/2004, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Unless otherwise provided by law, sets the maximum fee a public body may charge for copying and certifying records at 10 cents per page. Effective immediately.

LRB093 23257 JAM 53232 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning freedom of information.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) Each public body may charge fees reasonably calculated
9 to reimburse its actual cost for reproducing and certifying
10 public records and for the use, by any person, of the equipment
11 of the public body to copy records. Such fees shall exclude the
12 costs of any search for and review of the record, and shall not
13 exceed the lesser of 10 cents per page or the actual cost of
14 reproduction and certification, unless otherwise provided by
15 State statute. Such fees shall be imposed according to a
16 standard scale of fees, established and made public by the body
17 imposing them.

18 (b) Documents shall be furnished without charge or at a
19 reduced charge, as determined by the public body, if the person
20 requesting the documents states the specific purpose for the
21 request and indicates that a waiver or reduction of the fee is
22 in the public interest. Waiver or reduction of the fee is in
23 the public interest if the principal purpose of the request is
24 to access and disseminate information regarding the health,
25 safety and welfare or the legal rights of the general public
26 and is not for the principal purpose of personal or commercial
27 benefit. For purposes of this subsection, "commercial benefit"
28 shall not apply to requests made by news media when the
29 principal purpose of the request is to access and disseminate
30 information regarding the health, safety, and welfare or the
31 legal rights of the general public. In setting the amount of
32 the waiver or reduction, the public body may take into

1 consideration the amount of materials requested and the cost of
2 copying them.

3 (c) The purposeful imposition of a fee not consistent with
4 subsections (6) (a) and (b) of this Act shall be considered a
5 denial of access to public records for the purposes of judicial
6 review.

7 (d) The fee for an abstract of a driver's record shall be
8 as provided in Section 6-118 of "The Illinois Vehicle Code",
9 approved September 29, 1969, as amended.

10 (Source: P.A. 90-144, eff. 7-23-97.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.