

1 AN ACT concerning law enforcement, amending named Acts.

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

4 Section 3. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would
14 constitute a clearly unwarranted invasion of personal
15 privacy, unless the disclosure is consented to in writing
16 by the individual subjects of the information. The
17 disclosure of information that bears on the public duties
18 of public employees and officials shall not be considered
19 an invasion of personal privacy. Information exempted
20 under this subsection (b) shall include but is not
21 limited to:

22 (i) files and personal information maintained
23 with respect to clients, patients, residents,
24 students or other individuals receiving social,
25 medical, educational, vocational, financial,
26 supervisory or custodial care or services directly
27 or indirectly from federal agencies or public
28 bodies;

29 (ii) personnel files and personal information
30 maintained with respect to employees, appointees or
31 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information
3 maintained with respect to any applicant, registrant
4 or licensee by any public body cooperating with or
5 engaged in professional or occupational
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any
9 tax unless disclosure is otherwise required by State
10 statute; and

11 (v) information revealing the identity of
12 persons who file complaints with or provide
13 information to administrative, investigative, law
14 enforcement or penal agencies; provided, however,
15 that identification of witnesses to traffic
16 accidents, traffic accident reports, and rescue
17 reports may be provided by agencies of local
18 government, except in a case for which a criminal
19 investigation is ongoing, without constituting a
20 clearly unwarranted per se invasion of personal
21 privacy under this subsection.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but
26 only to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public
33 body;

34 (iii) deprive a person of a fair trial or an

1 impartial hearing;

2 (iv) unavoidably disclose the identity of a
3 confidential source or confidential information
4 furnished only by the confidential source;

5 (v) disclose unique or specialized
6 investigative techniques other than those generally
7 used and known or disclose internal documents of
8 correctional agencies related to detection,
9 observation or investigation of incidents of crime
10 or misconduct;

11 (vi) constitute an invasion of personal
12 privacy under subsection (b) of this Section;

13 (vii) endanger the life or physical safety of
14 law enforcement personnel or any other person; or

15 (viii) obstruct an ongoing criminal
16 investigation.

17 (d) Criminal history record information maintained
18 by State or local criminal justice agencies, except the
19 following which shall be open for public inspection and
20 copying:

21 (i) chronologically maintained arrest
22 information, such as traditional arrest logs or
23 blotters;

24 (ii) the name of a person in the custody of a
25 law enforcement agency and the charges for which
26 that person is being held;

27 (iii) court records that are public;

28 (iv) records that are otherwise available
29 under State or local law; or

30 (v) records in which the requesting party is
31 the individual identified, except as provided under
32 part (vii) of paragraph (c) of subsection (1) of
33 this Section.

34 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and
7 the nature of any disposition arising therefrom,
8 including sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

14 (e) Records that relate to or affect the security
15 of correctional institutions and detention facilities.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those
23 records of officers and agencies of the General Assembly
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the
27 trade secrets or information are proprietary, privileged
28 or confidential, or where disclosure of the trade secrets
29 or information may cause competitive harm, including all
30 information determined to be confidential under Section
31 4002 of the Technology Advancement and Development Act.
32 Nothing contained in this paragraph (g) shall be
33 construed to prevent a person or business from consenting
34 to disclosure.

1 (h) Proposals and bids for any contract, grant, or
2 agreement, including information which if it were
3 disclosed would frustrate procurement or give an
4 advantage to any person proposing to enter into a
5 contractor agreement with the body, until an award or
6 final selection is made. Information prepared by or for
7 the body in preparation of a bid solicitation shall be
8 exempt until an award or final selection is made.

9 (i) Valuable formulae, computer geographic systems,
10 designs, drawings and research data obtained or produced
11 by any public body when disclosure could reasonably be
12 expected to produce private gain or public loss.

13 (j) Test questions, scoring keys and other
14 examination data used to administer an academic
15 examination or determined the qualifications of an
16 applicant for a license or employment.

17 (k) Architects' plans and engineers' technical
18 submissions for projects not constructed or developed in
19 whole or in part with public funds and for projects
20 constructed or developed with public funds, to the extent
21 that disclosure would compromise security.

22 (l) Library circulation and order records
23 identifying library users with specific materials.

24 (m) Minutes of meetings of public bodies closed to
25 the public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public
27 under Section 2.06 of the Open Meetings Act.

28 (n) Communications between a public body and an
29 attorney or auditor representing the public body that
30 would not be subject to discovery in litigation, and
31 materials prepared or compiled by or for a public body in
32 anticipation of a criminal, civil or administrative
33 proceeding upon the request of an attorney advising the
34 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

2 (o) Information received by a primary or secondary
3 school, college or university under its procedures for
4 the evaluation of faculty members by their academic
5 peers.

6 (p) Administrative or technical information
7 associated with automated data processing operations,
8 including but not limited to software, operating
9 protocols, computer program abstracts, file layouts,
10 source listings, object modules, load modules, user
11 guides, documentation pertaining to all logical and
12 physical design of computerized systems, employee
13 manuals, and any other information that, if disclosed,
14 would jeopardize the security of the system or its data
15 or the security of materials exempt under this Section.

16 (q) Documents or materials relating to collective
17 negotiating matters between public bodies and their
18 employees or representatives, except that any final
19 contract or agreement shall be subject to inspection and
20 copying.

21 (r) Drafts, notes, recommendations and memoranda
22 pertaining to the financing and marketing transactions of
23 the public body. The records of ownership, registration,
24 transfer, and exchange of municipal debt obligations, and
25 of persons to whom payment with respect to these
26 obligations is made.

27 (s) The records, documents and information relating
28 to real estate purchase negotiations until those
29 negotiations have been completed or otherwise terminated.
30 With regard to a parcel involved in a pending or actually
31 and reasonably contemplated eminent domain proceeding
32 under Article VII of the Code of Civil Procedure,
33 records, documents and information relating to that
34 parcel shall be exempt except as may be allowed under

1 discovery rules adopted by the Illinois Supreme Court.
2 The records, documents and information relating to a real
3 estate sale shall be exempt until a sale is consummated.

4 (t) Any and all proprietary information and records
5 related to the operation of an intergovernmental risk
6 management association or self-insurance pool or jointly
7 self-administered health and accident cooperative or
8 pool.

9 (u) Information concerning a university's
10 adjudication of student or employee grievance or
11 disciplinary cases, to the extent that disclosure would
12 reveal the identity of the student or employee and
13 information concerning any public body's adjudication of
14 student or employee grievances or disciplinary cases,
15 except for the final outcome of the cases.

16 (v) Course materials or research materials used by
17 faculty members.

18 (w) Information related solely to the internal
19 personnel rules and practices of a public body.

20 (x) Information contained in or related to
21 examination, operating, or condition reports prepared by,
22 on behalf of, or for the use of a public body responsible
23 for the regulation or supervision of financial
24 institutions or insurance companies, unless disclosure is
25 otherwise required by State law.

26 (y) Information the disclosure of which is
27 restricted under Section 5-108 of the Public Utilities
28 Act.

29 (z) Manuals or instruction to staff that relate to
30 establishment or collection of liability for any State
31 tax or that relate to investigations by a public body to
32 determine violation of any criminal law.

33 (aa) Applications, related documents, and medical
34 records received by the Experimental Organ

1 Transplantation Procedures Board and any and all
2 documents or other records prepared by the Experimental
3 Organ Transplantation Procedures Board or its staff
4 relating to applications it has received.

5 (bb) Insurance or self insurance (including any
6 intergovernmental risk management association or self
7 insurance pool) claims, loss or risk management
8 information, records, data, advice or communications.

9 (cc) Information and records held by the Department
10 of Public Health and its authorized representatives
11 relating to known or suspected cases of sexually
12 transmissible disease or any information the disclosure
13 of which is restricted under the Illinois Sexually
14 Transmissible Disease Control Act.

15 (dd) Information the disclosure of which is
16 exempted under Section 30 of the Radon Industry Licensing
17 Act.

18 (ee) Firm performance evaluations under Section 55
19 of the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (ff) Security portions of system safety program
22 plans, investigation reports, surveys, schedules, lists,
23 data, or information compiled, collected, or prepared by
24 or for the Regional Transportation Authority under
25 Section 2.11 of the Regional Transportation Authority Act
26 or the St. Clair County Transit District under the
27 Bi-State Transit Safety Act.

28 (gg) Information the disclosure of which is
29 restricted and exempted under Section 50 of the Illinois
30 Prepaid Tuition Act.

31 (hh) Information the disclosure of which is
32 exempted under Section 80 of the State Gift Ban Act.

33 (ii) Beginning July 1, 1999, information that would
34 disclose or might lead to the disclosure of secret or

1 confidential information, codes, algorithms, programs, or
2 private keys intended to be used to create electronic or
3 digital signatures under the Electronic Commerce Security
4 Act.

5 (jj) Information contained in a local emergency
6 energy plan submitted to a municipality in accordance
7 with a local emergency energy plan ordinance that is
8 adopted under Section 11-21.5-5 of the Illinois Municipal
9 Code.

10 (kk) Information and data concerning the
11 distribution of surcharge moneys collected and remitted
12 by wireless carriers under the Wireless Emergency
13 Telephone Safety Act.

14 (ll) Law enforcement officer identification
15 information or driver identification information compiled
16 by a law enforcement agency or the Department of
17 Transportation under Section 11-212 of the Illinois
18 Vehicle Code.

19 (2) This Section does not authorize withholding of
20 information or limit the availability of records to the
21 public, except as stated in this Section or otherwise
22 provided in this Act.

23 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
24 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
25 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
26 eff. 7-11-02.)

27 Section 5. The Department of State Police Law within the
28 Civil Administrative Code of Illinois is amended by adding
29 Section 2605-85 as follows:

30 (20 ILCS 2605/2605-85 new)

31 Sec. 2605-85. Training; cultural diversity. The
32 Department shall provide training and continuing education to

1 State Police officers concerning cultural diversity,
 2 including sensitivity toward racial and ethnic differences.
 3 This training and continuing education shall include, but not
 4 be limited to, an emphasis on the fact that the primary
 5 purpose of enforcement of the Illinois Vehicle Code is safety
 6 and equal and uniform enforcement under the law.

7 Section 7. The State Mandates Act is amended by adding
 8 Section 8.27 as follows:

9 (30 ILCS 805/8.27 new)

10 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
 11 and 8 of this Act, no reimbursement by the State is required
 12 for the implementation of any mandate created by this
 13 amendatory Act of the 93rd General Assembly.

14 Section 10. The Illinois Police Training Act is amended
 15 by changing Section 7 as follows:

16 (50 ILCS 705/7) (from Ch. 85, par. 507)

17 Sec. 7. Rules and standards for schools. The Board shall
 18 adopt rules and minimum standards for such schools which
 19 shall include but not be limited to the following:

- 20 a. The curriculum for probationary police officers which
- 21 shall be offered by all certified schools shall include but
- 22 not be limited to courses of arrest, search and seizure,
- 23 civil rights, human relations, cultural diversity, including
- 24 racial and ethnic sensitivity, criminal law, law of criminal
- 25 procedure, vehicle and traffic law including uniform and
- 26 non-discriminatory enforcement of the Illinois Vehicle Code,
- 27 traffic control and accident investigation, techniques of
- 28 obtaining physical evidence, court testimonies, statements,
- 29 reports, firearms training, first-aid (including
- 30 cardiopulmonary resuscitation), handling of juvenile

1 offenders, recognition of mental conditions which require
2 immediate assistance and methods to safeguard and provide
3 assistance to a person in need of mental treatment, law of
4 evidence, the hazards of high-speed police vehicle chases
5 with an emphasis on alternatives to the high-speed chase, and
6 physical training. The curriculum shall include specific
7 training in techniques for immediate response to and
8 investigation of cases of domestic violence and of sexual
9 assault of adults and children. The curriculum for permanent
10 police officers shall include but not be limited to (1)
11 refresher and in-service training in any of the courses
12 listed above in this subparagraph, (2) advanced courses in
13 any of the subjects listed above in this subparagraph, (3)
14 training for supervisory personnel, and (4) specialized
15 training in subjects and fields to be selected by the board.

16 b. Minimum courses of study, attendance requirements and
17 equipment requirements.

18 c. Minimum requirements for instructors.

19 d. Minimum basic training requirements, which a
20 probationary police officer must satisfactorily complete
21 before being eligible for permanent employment as a local law
22 enforcement officer for a participating local governmental
23 agency. Those requirements shall include training in first
24 aid (including cardiopulmonary resuscitation).

25 e. Minimum basic training requirements, which a
26 probationary county corrections officer must satisfactorily
27 complete before being eligible for permanent employment as a
28 county corrections officer for a participating local
29 governmental agency.

30 f. Minimum basic training requirements which a
31 probationary court security officer must satisfactorily
32 complete before being eligible for permanent employment as a
33 court security officer for a participating local governmental
34 agency. The Board shall establish those training

1 requirements which it considers appropriate for court
2 security officers and shall certify schools to conduct that
3 training.

4 A person hired to serve as a court security officer must
5 obtain from the Board a certificate (i) attesting to his or
6 her successful completion of the training course; (ii)
7 attesting to his or her satisfactory completion of a training
8 program of similar content and number of hours that has been
9 found acceptable by the Board under the provisions of this
10 Act; or (iii) attesting to the Board's determination that the
11 training course is unnecessary because of the person's
12 extensive prior law enforcement experience.

13 Individuals who currently serve as court security
14 officers shall be deemed qualified to continue to serve in
15 that capacity so long as they are certified as provided by
16 this Act within 24 months of the effective date of this
17 amendatory Act of 1996. Failure to be so certified, absent a
18 waiver from the Board, shall cause the officer to forfeit his
19 or her position.

20 All individuals hired as court security officers on or
21 after the effective date of this amendatory Act of 1996 shall
22 be certified within 12 months of the date of their hire,
23 unless a waiver has been obtained by the Board, or they shall
24 forfeit their positions.

25 The Sheriff's Merit Commission, if one exists, or the
26 Sheriff's Office if there is no Sheriff's Merit Commission,
27 shall maintain a list of all individuals who have filed
28 applications to become court security officers and who meet
29 the eligibility requirements established under this Act.
30 Either the Sheriff's Merit Commission, or the Sheriff's
31 Office if no Sheriff's Merit Commission exists, shall
32 establish a schedule of reasonable intervals for verification
33 of the applicants' qualifications under this Act and as
34 established by the Board.

1 (Source: P.A. 88-661, eff. 1-1-95; 89-685, eff. 6-1-97;
2 89-707, eff. 6-1-97.)

3 Section 15. The Illinois Vehicle Code is amended by
4 adding Section 11-212 as follows:

5 (625 ILCS 5/11-212 new)

6 Sec. 11-212. Traffic stop statistical study.

7 (a) From January 1, 2004 until December 31, 2007,
8 whenever a State or local law enforcement officer issues a
9 uniform traffic citation or warning citation for an alleged
10 violation of the Illinois Vehicle Code, he or she shall
11 record at least the following:

12 (1) the name, address, gender, and the officer's
13 subjective determination of the race of the person
14 stopped; the person's race shall be selected from the
15 following list: Caucasian, African-American, Hispanic,
16 Native American/Alaska Native, or Asian/Pacific Islander;

17 (2) the alleged traffic violation that led to the
18 stop of the motorist;

19 (3) the make and year of the vehicle stopped;

20 (4) the date and time of the stop;

21 (5) the location of the traffic stop;

22 (6) whether or not a search contemporaneous to the
23 stop was conducted of the vehicle, driver, passenger, or
24 passengers; and, if so, whether it was with consent or by
25 other means; and

26 (7) the name and badge number of the issuing
27 officer.

28 (b) From January 1, 2004 until December 31, 2007,
29 whenever a State or local law enforcement officer stops a
30 motorist for an alleged violation of the Illinois Vehicle
31 Code and does not issue a uniform traffic citation or warning
32 citation for an alleged violation of the Illinois Vehicle

1 Code, he or she shall complete a uniform stop card, which
2 includes field contact cards, or any other existing form
3 currently used by law enforcement containing information
4 required pursuant to this Act, that records at least the
5 following:

6 (1) the name, address, gender, and the officer's
7 subjective determination of the race of the person
8 stopped; the person's race shall be selected from the
9 following list: Caucasian, African-American, Hispanic,
10 Native American/Alaska Native, or Asian/Pacific Islander;

11 (2) the reason that led to the stop of the
12 motorist;

13 (3) the make and year of the vehicle stopped;

14 (4) the date and time of the stop;

15 (5) the location of the traffic stop;

16 (6) whether or not a search contemporaneous to the
17 stop was conducted of the vehicle, driver, passenger, or
18 passengers; and, if so, whether it was with consent or by
19 other means; and

20 (7) the name and badge number of the issuing
21 officer.

22 (c) The Illinois Department of Transportation shall
23 provide a standardized law enforcement data compilation form
24 on its website.

25 (d) Every law enforcement agency shall, by March 1 in
26 each of the years 2004, 2005, 2006, and 2007, compile the
27 data described in subsections (a) and (b) on the standardized
28 law enforcement data compilation form provided by the
29 Illinois Department of Transportation and transmit the data
30 to the Department.

31 (e) The Illinois Department of Transportation shall
32 analyze the data provided by law enforcement agencies
33 required by this Section and submit a report of the findings
34 to the Governor, the General Assembly, and each law

1 enforcement agency no later than July 1 in each of the years
 2 2005, 2006, 2007, and 2008. The Illinois Department of
 3 Transportation may contract with an outside entity for the
 4 analysis of the data provided. In analyzing the data
 5 collected under this Section, the analyzing entity shall
 6 scrutinize the data for evidence of statistically significant
 7 aberrations. The following list, which is illustrative, and
 8 not exclusive, contains examples of areas in which
 9 statistically significant aberrations may be found:

10 (1) The percentage of minority drivers or
 11 passengers being stopped in a given area is substantially
 12 higher than the proportion of the overall population in
 13 or traveling through the area that the minority
 14 constitutes.

15 (2) A substantial number of false stops including
 16 stops not resulting in the issuance of a traffic ticket
 17 or the making of an arrest.

18 (3) A disparity between the proportion of citations
 19 issued to minorities and proportion of minorities in the
 20 population.

21 (4) A disparity among the officers of the same law
 22 enforcement agency with regard to the number of minority
 23 drivers or passengers being stopped in a given area.

24 (5) A disparity between the frequency of searches
 25 performed on minority drivers and the frequency of
 26 searches performed on non-minority drivers.

27 (f) Any law enforcement officer identification
 28 information or driver identification information that is
 29 compiled by any law enforcement agency or the Illinois
 30 Department of Transportation pursuant to this Act for the
 31 purposes of fulfilling the requirements of this Section shall
 32 be confidential and exempt from public inspection and
 33 copying, as provided under Section 7 of the Freedom of
 34 Information Act, and the information shall not be transmitted

1 to anyone except as needed to comply with this Section. This
2 Section shall not exempt those materials that, prior to the
3 effective date of this amendatory Act of the 93rd General
4 Assembly, were available under the Freedom of Information
5 Act.

6 (g) Funding to implement this Section shall come from
7 federal highway safety funds available to Illinois, as
8 directed by the Governor.

9 (h) The Illinois Department of Transportation, in
10 consultation with law enforcement agencies, officials, and
11 organizations, including Illinois chiefs of police, the
12 Department of State Police, the Illinois Sheriffs
13 Association, and the Chicago Police Department, and community
14 groups and other experts, shall undertake a study to
15 determine the best use of technology to collect, compile, and
16 analyze the traffic stop statistical study data required by
17 this Section. The Department shall report its findings and
18 recommendations to the Governor and the General Assembly by
19 March 1, 2004.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.