



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2426

Introduced 2/3/2004, by Dale A. Righter

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Prohibits the inspection of the verbatim record of a closed meeting, including for discovery purposes, in a judicial proceeding other than in a judicial proceeding to determine whether the Act has been violated. Requires (now, permits) a court's examination of verbatim records in a civil proceeding to be conducted in camera. Requires that the initial examination in a criminal proceeding must be in camera, but other examinations need not be in camera. Removes the authority of an administrative hearing officer to redact information that may qualify under the attorney-client privilege.

LRB093 20647 JAM 46492 b

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 and a verbatim record of all their
9 closed meetings in the form of an audio or video recording.
10 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 either
13 present or absent; and

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

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

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

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

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

29 (d) Each public body shall periodically, but no less than
30 semi-annually, meet to review minutes and recordings of all
31 closed meetings. At such meetings a determination shall be
32 made, and reported in an open session that (1) the need for

1 confidentiality still exists as to all or part of those minutes
2 or (2) that the minutes or recordings or portions thereof no
3 longer require confidential treatment and are available for
4 public inspection.

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

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

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