

1 AN ACT concerning government.

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 Sections 1.02, 2.01, 2.05, and 2.06 and by adding Section 7 as
6 follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering, whether in person or by
10 video or audio conference, telephone call, electronic means
11 (such as, without limitation, electronic mail, electronic
12 chat, and instant messaging), or other means of contemporaneous
13 interactive communication, of a majority of a quorum of the
14 members of a public body held for the purpose of discussing
15 public business.

16 "Public body" includes all legislative, executive,
17 administrative or advisory bodies of the State, counties,
18 townships, cities, villages, incorporated towns, school
19 districts and all other municipal corporations, boards,
20 bureaus, committees or commissions of this State, and any
21 subsidiary bodies of any of the foregoing including but not
22 limited to committees and subcommittees which are supported in
23 whole or in part by tax revenue, or which expend tax revenue,
24 except the General Assembly and committees or commissions
25 thereof. "Public body" includes tourism boards and convention
26 or civic center boards located in counties that are contiguous
27 to the Mississippi River with populations of more than 250,000
28 but less than 300,000. "Public body" includes the Health
29 Facilities Planning Board. "Public body" does not include a
30 child death review team or the Illinois Child Death Review
31 Teams Executive Council established under the Child Death
32 Review Team Act or an ethics commission acting under the State

1 Officials and Employees Ethics Act.

2 (Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

3 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

4 Sec. 2.01. All meetings required by this Act to be public
5 shall be held at specified times and places which are
6 convenient and open to the public. No meeting required by this
7 Act to be public shall be held on a legal holiday unless the
8 regular meeting day falls on that holiday.

9 A quorum of members of a public body must be physically
10 present at the location of an open meeting. If, however, an
11 open meeting of a public body with statewide jurisdiction is
12 held simultaneously in Chicago and Springfield through an
13 interactive video conference and the public body provides
14 public notice and public access as required under this Act for
15 both locations, then members physically present in Chicago or
16 Springfield all count towards determining a quorum. Other
17 members who are not physically present at the open meeting may
18 participate in the meeting and vote on all matters, if they are
19 voting members, by means of a video or audio conference. The
20 requirement that a quorum be physically present at the location
21 of an open meeting shall not apply, however, to State advisory
22 boards or bodies that do not have authority to make binding
23 recommendations or determinations or to take any other
24 substantive action.

25 A quorum of members of a public body that is not a public
26 body with statewide jurisdiction must be physically present at
27 the location of a closed meeting. Other members who are not
28 physically present at a closed meeting of such a public body
29 may participate in the meeting and vote on all matters, if they
30 are voting members, by means of a video or audio conference.

31 (Source: P.A. 88-621, eff. 1-1-95.)

32 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

33 Sec. 2.05. Recording meetings. Subject to the provisions of
34 Section 8-701 of the Code of Civil Procedure ~~"An Act in~~

1 ~~relation to the rights of witnesses at proceedings conducted by~~
2 ~~a court, commission, administrative agency or other tribunal in~~
3 ~~this State which are televised or broadcast or at which motion~~
4 ~~pictures are taken", approved July 14, 1953, as amended, any~~
5 person may record the proceedings at meetings required to be
6 open by this Act by tape, film or other means. The authority
7 holding the meeting shall prescribe reasonable rules to govern
8 the right to make such recordings.

9 If a witness at any meeting required to be open by this Act
10 which is conducted by a commission, administrative agency or
11 other tribunal, refuses to testify on the grounds that he may
12 not be compelled to testify if any portion of his testimony is
13 to be broadcast or televised or if motion pictures are to be
14 taken of him while he is testifying, the authority holding the
15 meeting shall prohibit such recording during the testimony of
16 the witness. Nothing in this Section shall be construed to
17 extend the right to refuse to testify at any meeting not
18 subject to the provisions of Section 8-701 of the Code of Civil
19 Procedure ~~"An Act in relation to the rights of witnesses at~~
20 ~~proceedings conducted by a court, commission, administrative~~
21 ~~agency or other tribunal in this State which are televised or~~
22 ~~broadcast or at which motion pictures are taken", approved July~~
23 ~~14, 1953, as amended.~~

24 (Source: P.A. 82-378.)

25 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

26 Sec. 2.06. Minutes.

27 (a) All public bodies shall keep written minutes of all
28 their meetings, whether open or closed, and a verbatim record
29 of all their closed meetings in the form of an audio or video
30 recording. Minutes shall include, but need not be limited to:

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

32 (2) the members of the public body recorded as either
33 present or absent and whether the members were physically
34 present or present by means of video or audio conference;

35 and

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

3 (b) The minutes of meetings open to the public shall be
4 available for public inspection within 7 days of the approval
5 of such minutes by the public body. Beginning July 1, 2006, at
6 the time it complies with the other requirements of this
7 subsection, a public body that has a website that the full-time
8 staff of the public body maintains shall post the minutes of a
9 regular meeting of its governing body open to the public on the
10 public body's website within 7 days of the approval of the
11 minutes by the public body. Beginning July 1, 2006, any minutes
12 of meetings open to the public posted on the public body's
13 website shall remain posted on the website for at least 60 days
14 after their initial posting.

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

20 (1) the public body approves the destruction of a
21 particular recording; and

22 (2) the public body approves minutes of the closed
23 meeting that meet the written minutes requirements of
24 subsection (a) of this Section.

25 (d) Each public body shall periodically, but no less than
26 semi-annually, meet to review minutes of all closed meetings.
27 At such meetings a determination shall be made, and reported in
28 an open session that (1) the need for confidentiality still
29 exists as to all or part of those minutes or (2) that the
30 minutes or portions thereof no longer require confidential
31 treatment and are available for public inspection. The failure
32 of a public body to strictly comply with the semi-annual review
33 of closed session written minutes, whether before or after the
34 effective date of this amendatory Act of the 94th General
35 Assembly, shall not cause the written minutes or related
36 verbatim record to become public or available for inspection in

1 any judicial proceeding, other than a proceeding involving an
2 alleged violation of this Act, if the public body, within 60
3 days of discovering its failure to strictly comply with the
4 technical requirements of this subsection, reviews the closed
5 session minutes and determines and thereafter reports in open
6 session that either (1) the need for confidentiality still
7 exists as to all or part of the minutes or verbatim record, or
8 (2) that the minutes or recordings or portions thereof no
9 longer require confidential treatment and are available for
10 public inspection.

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

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

1 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05; 94-28,
2 eff. 1-1-06; 94-542, eff. 8-10-05; revised 8-19-05.)

3 (5 ILCS 120/7 new)

4 Sec. 7. Attendance by a means other than physical presence.

5 (a) If a quorum of the members of the public body is
6 physically present as required by Section 2.01, a majority of
7 the public body may allow a member of that body to attend the
8 meeting by other means if the member is prevented from
9 physically attending because of: (i) personal illness or
10 disability; (ii) employment purposes or the business of the
11 public body; or (iii) a family or other emergency. "Other
12 means" is by video or audio conference.

13 (b) If a member wishes to attend a meeting by other means,
14 the member must notify the recording secretary or clerk of the
15 public body before the meeting unless advance notice is
16 impractical.

17 (c) A majority of the public body may allow a member to
18 attend a meeting by other means only in accordance with and to
19 the extent allowed by rules adopted by the public body. The
20 rules must conform to the requirements and restrictions of this
21 Section, may further limit the extent to which attendance by
22 other means is allowed, and may provide for the giving of
23 additional notice to the public or further facilitate public
24 access to meetings.

25 (d) The limitations of this Section shall not apply to (i)
26 closed meetings of public bodies with statewide jurisdiction or
27 (ii) open or closed meetings of State advisory boards or bodies
28 that do not have authority to make binding recommendations or
29 determinations or to take any other substantive action. State
30 advisory boards or bodies and public bodies with statewide
31 jurisdiction, however, may permit members to attend meetings by
32 other means only in accordance with and to the extent allowed
33 by specific procedural rules adopted by the body.