

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 (except one with jurisdiction
12 limited to a specific geographic area that is less than
13 statewide) is held simultaneously at one of its offices and one
14 or more other locations in a public building, which may include
15 other of its offices, through an interactive video conference
16 and the public body provides public notice and public access as
17 required under this Act for all locations, then members
18 physically present in those locations all count towards
19 determining a quorum. "Public building", as used in this
20 Section, means any building or portion thereof owned or leased
21 by any public body. The requirement that a quorum be physically
22 present at the location of an open meeting shall not apply,
23 however, to State advisory boards or bodies that do not have
24 authority to make binding recommendations or determinations or
25 to take any other substantive action.

26 A quorum of members of a public body that is not a public
27 body with statewide jurisdiction must be physically present at
28 the location of a closed meeting. Other members who are not
29 physically present at a closed meeting of such a public body
30 may participate in the meeting by means of a video or audio
31 conference.

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

33 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

34 Sec. 2.05. Recording meetings. Subject to the provisions of

1 Section 8-701 of the Code of Civil Procedure ~~"An Act in~~
2 ~~relation to the rights of witnesses at proceedings conducted by~~
3 ~~a court, commission, administrative agency or other tribunal in~~
4 ~~this State which are televised or broadcast or at which motion~~
5 ~~pictures are taken", approved July 14, 1953, as amended, any~~
6 person may record the proceedings at meetings required to be
7 open by this Act by tape, film or other means. The authority
8 holding the meeting shall prescribe reasonable rules to govern
9 the right to make such recordings.

10 If a witness at any meeting required to be open by this Act
11 which is conducted by a commission, administrative agency or
12 other tribunal, refuses to testify on the grounds that he may
13 not be compelled to testify if any portion of his testimony is
14 to be broadcast or televised or if motion pictures are to be
15 taken of him while he is testifying, the authority holding the
16 meeting shall prohibit such recording during the testimony of
17 the witness. Nothing in this Section shall be construed to
18 extend the right to refuse to testify at any meeting not
19 subject to the provisions of Section 8-701 of the Code of Civil
20 Procedure ~~"An Act in relation to the rights of witnesses at~~
21 ~~proceedings conducted by a court, commission, administrative~~
22 ~~agency or other tribunal in this State which are televised or~~
23 ~~broadcast or at which motion pictures are taken", approved July~~
24 ~~14, 1953, as amended.~~

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

26 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

27 Sec. 2.06. Minutes.

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

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

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

1 and

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

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

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

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

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

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

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

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

34 (f) Minutes of meetings closed to the public shall be
35 available only after the public body determines that it is no
36 longer necessary to protect the public interest or the privacy

1 of an individual by keeping them confidential.

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

4 (5 ILCS 120/7 new)

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

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

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

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

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