



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1857

Introduced 2/25/2005, by Sen. John J. Cullerton - Peter J. Roskam

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Provides that a public body's failure to strictly comply with the requirements of the semi-annual review of closed meetings minutes does not make the minutes or verbatim recordings open to the public or available in judicial proceedings (other than those for violations of the Act) if the public body, within 60 days of the discovery of its failure, conducts the review and reports in an open meeting that the need for confidentiality remains or no longer exists. Effective immediately.

LRB094 04298 JAM 34323 b

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 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 meetings, whether open or closed, and a verbatim
9 record of all their closed meetings in the form of an audio or
10 video recording. Minutes shall include, but need not be limited
11 to:

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

13 (2) the members of the public body recorded as either
14 present or absent; and

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

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

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

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

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

30 (d) Each public body shall periodically, but no less than
31 semi-annually, meet to review minutes of all closed meetings.
32 At such meetings a determination shall be made, and reported in

1 an open session that (1) the need for confidentiality still
2 exists as to all or part of those minutes or (2) that the
3 minutes or portions thereof no longer require confidential
4 treatment and are available for public inspection. The failure
5 of a public body to strictly comply with the semi-annual review
6 of closed session written minutes, whether before or after the
7 effective date of this amendatory Act of the 94th General
8 Assembly, shall not cause the written minutes or related
9 verbatim record to become public or available for inspection in
10 any judicial proceeding, other than a proceeding involving an
11 alleged violation of this Act, if the public body, within 60
12 days of discovering its failure to strictly comply with the
13 technical requirements of this subsection, reviews the closed
14 session minutes and determines and thereafter reports in open
15 session that either (1) the need for confidentiality still
16 exists as to all or part of the minutes or verbatim record, or
17 (2) that the minutes or recordings or portions thereof no
18 longer require confidential treatment and are available for
19 public inspection.

20 (e) Unless the public body has made a determination that
21 the verbatim recording no longer requires confidential
22 treatment or otherwise consents to disclosure, the verbatim
23 record of a meeting closed to the public shall not be open for
24 public inspection or subject to discovery in any administrative
25 or judicial proceeding other than one brought to enforce this
26 Act. In the case of a civil action brought to enforce this Act,
27 the court, if the judge believes such an examination is
28 necessary, must conduct such in camera examination of the
29 verbatim record as it finds appropriate in order to determine
30 whether there has been a violation of this Act. In the case of
31 a criminal proceeding, the court may conduct an examination in
32 order to determine what portions, if any, must be made
33 available to the parties for use as evidence in the
34 prosecution. Any such initial inspection must be held in
35 camera. If the court determines that a complaint or suit
36 brought for noncompliance under this Act is valid it may, for

1 the purposes of discovery, redact from the minutes of the
2 meeting closed to the public any information deemed to qualify
3 under the attorney-client privilege. The provisions of this
4 subsection do not supersede the privacy or confidentiality
5 provisions of State or federal law.

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

10 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)

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