



Executive Committee

Filed: 5/30/2007

09500SB0546ham001

LRB095 09375 JAM 36666 a

1 AMENDMENT TO SENATE BILL 546

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 546 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Notary Public Act is amended by  
5 changing Sections 3-101, 3-102, 3-104, and 6-102 as follows:

6 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

7 Sec. 3-101. Official Seal and Signature.

8 (a) Each notary public shall, upon receiving the commission  
9 from the county clerk, obtain an official rubber stamp seal  
10 with which the notary shall authenticate his official acts. The  
11 rubber stamp seal shall contain the following information:

12 (1) ~~(a)~~ the words "Official Seal";

13 (2) ~~(b)~~ the notary's official name;

14 (3) ~~(c)~~ the words "Notary Public", "State of Illinois",  
15 and "My commission expires \_\_\_\_\_ (commission  
16 expiration date)"; and

1           (4) ~~(d)~~ a serrated or milled edge border in a  
2           rectangular form not more than one inch in height by two  
3           and one-half inches in length surrounding the information.

4           (b) At the time of the notarial act, a notary public shall  
5           officially sign every notary certificate and affix the rubber  
6           stamp seal clearly and legibly using black ink, so that it is  
7           capable of photographic reproduction. The illegibility of any  
8           of the information required by this Section does not affect the  
9           validity of a transaction.

10           This subsection does not apply on or after July 1, 2011.

11           (Source: P.A. 84-322.)

12           (5 ILCS 312/3-102) (from Ch. 102, par. 203-102)

13           Sec. 3-102. Notarial Record; Residential Real Property  
14           Transactions ~~Official Signature.~~

15           (a) This Section shall apply to every notarial act in  
16           Illinois involving a document of conveyance that transfers or  
17           purports to transfer title to residential real property located  
18           in Cook County.

19           (b) As used in this Section, the following terms shall have  
20           the meanings ascribed to them:

21           (1) "Document of Conveyance" shall mean a written  
22           instrument that transfers or purports to transfer title  
23           effecting a change in ownership to Residential Real  
24           Property, excluding:

25           (i) court-ordered and court-authorized conveyances

1       of Residential Real Property, including without  
2       limitation, quit-claim deeds executed pursuant to a  
3       marital settlement agreement incorporated into a  
4       judgment of dissolution of marriage, and transfers in  
5       the administration of a probate estate;

6           (ii) judicial sale deeds relating to Residential  
7       Real Property, including without limitation, sale  
8       deeds issued pursuant to proceedings to foreclose a  
9       mortgage or execute on a levy to enforce a judgment;

10          (iii) deeds transferring ownership of Residential  
11       Real Property to a trust where the beneficiary is also  
12       the grantor;

13          (iv) deeds from grantors to themselves that are  
14       intended to change the nature or type of tenancy by  
15       which they own Residential Real Property;

16          (v) deeds from a grantor to the grantor and another  
17       natural person that are intended to establish a tenancy  
18       by which the grantor and the other natural person own  
19       Residential Real Property;

20          (vi) deeds executed to the mortgagee in lieu of  
21       foreclosure of a mortgage; and

22          (vii) deeds transferring ownership to a revocable  
23       or irrevocable grantor trust where the beneficiary  
24       includes the grantor.

25          (2) "Financial Institution" shall mean a State or  
26       federally chartered bank, savings and loan association,

1 savings bank, or credit union.

2 (3) "Notarial Record" shall mean the written document  
3 created in conformity with this Section by a notary in  
4 connection with Documents of Conveyance.

5 (4) "Residential Real Property " shall mean a building  
6 or buildings located in Cook County, Illinois and  
7 containing one to 4 dwelling units or an individual  
8 residential condominium unit.

9 (5) "Title Insurance Agent" shall have the meaning  
10 ascribed to it under the Title Insurance Act.

11 (6) "Title Insurance Company" shall have the meaning  
12 ascribed to it under the Title Insurance Act.

13 (c) A notary appointed and commissioned as a notary in  
14 Illinois shall, in addition to compliance with other provisions  
15 of this Act, create a Notarial Record of each notarial act  
16 performed in connection with a Document of Conveyance. The  
17 Notarial Record shall contain:

18 (1) The date of the notarial act;

19 (2) The type, title, or a description of the Document  
20 of Conveyance being notarized, and the property index  
21 number ("PIN") used to identify the Residential Real  
22 Property for assessment or taxation purposes and the common  
23 street address for the Residential Real Property that is  
24 the subject of the Document of Conveyance;

25 (3) The signature, printed name, and residence street  
26 address of each person whose signature is the subject of

1       the notarial act and a certification by the person that the  
2       property is Residential Real Property as defined in this  
3       Section, which states "The undersigned grantor hereby  
4       certifies that the real property identified in this  
5       Notarial Record is Residential Real Property as defined in  
6       the Illinois Notary Public Act".

7       (4) A description of the satisfactory evidence  
8       reviewed by the notary to determine the identity of the  
9       person whose signature is the subject of the notarial act;

10       (5) The date of notarization, the fee charged for the  
11       notarial act, the Notary's home or business phone number,  
12       the Notary's residence street address, the Notary's  
13       commission expiration date, the correct legal name of the  
14       Notary's employer or principal, and the business street  
15       address of the Notary's employer or principal; and

16       (6) The notary public shall require the person signing  
17       the Document of Conveyance (including an agent acting on  
18       behalf of a principal under a duly executed power of  
19       attorney), whose signature is the subject of the notarial  
20       act, to place his or her right thumbprint on the Notarial  
21       Record. If the right thumbprint is not available, then the  
22       notary shall have the party use his or her left thumb, or  
23       any available finger, and shall so indicate on the Notarial  
24       Record. If the party signing the document is physically  
25       unable to provide a thumbprint or fingerprint, the notary  
26       shall so indicate on the Notarial Record and shall also

1 provide an explanation of that physical condition. The  
2 notary may obtain the thumbprint by any means that reliably  
3 captures the image of the finger in a physical or  
4 electronic medium.

5 (d) If a notarial act under this Section is performed by a  
6 notary who is a principal, employee, or agent of a Title  
7 Insurance Company, Title Insurance Agent, Financial  
8 Institution, or attorney at law, the notary shall deliver the  
9 original Notarial Record to the notary's employer or principal  
10 within 14 days after the performance of the notarial act for  
11 retention for a period of 7 years as part of the employer's or  
12 principal's business records. In the event of a sale or merger  
13 of any of the foregoing entities or persons, the successor or  
14 assignee of the entity or person shall assume the  
15 responsibility to maintain the Notarial Record for the balance  
16 of the 7-year business records retention period. Liquidation or  
17 other cessation of activities in the ordinary course of  
18 business by any of the foregoing entities or persons shall  
19 relieve the entity or person from the obligation to maintain  
20 Notarial Records after delivery of Notarial Records to the  
21 Recorder of Deeds of Cook County, Illinois.

22 (e) If a notarial act is performed by a notary who is not a  
23 principal, employee, or agent of a Title Insurance Company,  
24 Title Insurance Agent, Financial Institution, or attorney at  
25 law, the notary shall deliver the original Notarial Record  
26 within 14 days after the performance of the notarial act to the

1 Recorder of Deeds of Cook County, Illinois for retention for a  
2 period of 7 years, accompanied by a filing fee of \$5.

3 (f) The Notarial Record required under subsection (c) of  
4 this Section shall be created and maintained for each person  
5 whose signature is the subject of a notarial act regarding a  
6 Document of Conveyance and shall be in substantially the  
7 following form:

8 **NOTARIAL RECORD - RESIDENTIAL REAL PROPERTY TRANSACTIONS**

9 Date Notarized:

10 Fee: \$

11 The undersigned grantor hereby certifies that the real property  
12 identified in this Notarial Record is Residential Real Property  
13 as defined in the Illinois Notary Public Act.

14 Grantor's (Signer's) Printed Name:

15 Grantor's (Signer's) Signature:

16 Grantor's (Signer's) Residential Street Address, City, State,  
17 and Zip

18 Type or Name of Document of Conveyance:

19 PIN No. of Residential Real Property:

1 Common Street Address of Residential Real Property:

2 Thumbprint or Fingerprint

3 Description of Means of Identification:

4 Additional Comments:

5 Name of Notary Printed:

6 Notary Phone Number:

7 Commission Expiration Date:

8 Residential Street Address of Notary, City, State, and Zip

9 Name of Notary's Employer or Principal:

10 Business Street Address of Notary's Employer or Principal,

11 City, State, and Zip:

12 (g) No copies of the original Notarial Record may be made  
13 or retained by the Notary. The Notary's employer or principal  
14 may retain copies of the Notarial Records as part of its  
15 business records, subject to applicable privacy and



1 confidentiality standards.

2 (h) The failure of a notary to comply with the procedure  
3 set forth in this Section shall not affect the validity of the  
4 Residential Real Property transaction in connection to which  
5 the Document of Conveyance is executed, in the absence of  
6 fraud.

7 (i) The Notarial Record or other medium containing the  
8 thumbprint or fingerprint required by subsection (c)(6) shall  
9 be made available or disclosed only upon receipt of a subpoena  
10 duly authorized by a court of competent jurisdiction. Such  
11 Notarial Record or other medium shall not be subject to  
12 disclosure under the Freedom of Information Act and shall not  
13 be made available to any other party, other than a party in  
14 succession of interest to the party maintaining the Notarial  
15 Record or other medium pursuant to subsection (d) or (e).

16 (j) In the event there is a breach in the security of a  
17 Notarial Record maintained pursuant to subsections (d) and (e)  
18 by the Recorder of Deeds of Cook County, Illinois, the Recorder  
19 shall notify the person identified as the "signer" in the  
20 Notarial Record at the signer's residential street address set  
21 forth in the Notarial Record. "Breach" shall mean unauthorized  
22 acquisition of the fingerprint data contained in the Notarial  
23 Record that compromises the security, confidentiality, or  
24 integrity of the fingerprint data maintained by the Recorder.  
25 The notification shall be in writing and made in the most  
26 expedient time possible and without unreasonable delay,

1 consistent with any measures necessary to determine the scope  
2 of the breach and restore the reasonable security,  
3 confidentiality, and integrity of the Recorder's data system.

4 (k) Subsections (a) through (i) shall not apply on and  
5 after July 1, 2011.

6 (l) Beginning July 1, 2011, at ~~At~~ the time of notarization,  
7 a notary public shall officially sign every notary certificate  
8 and affix the rubber stamp seal clearly and legibly using black  
9 ink, so that it is capable of photographic reproduction. The  
10 illegibility of any of the information required by this Section  
11 does not affect the validity of a transaction.

12 (Source: P.A. 84-322.)

13 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

14 Sec. 3-104. Maximum Fee.

15 (a) Except as provided in subsection (b) of this Section,  
16 the maximum fee in this State is \$1.00 for any notarial act  
17 performed and, until July 1, 2011, up to \$25 for any notarial  
18 act performed pursuant to Section 3-102.

19 (b) Fees for a notary public, agency, or any other person  
20 who is not an attorney or an accredited representative filling  
21 out immigration forms shall be limited to the following:

22 (1) \$10 per form completion;

23 (2) \$10 per page for the translation of a non-English  
24 language into English where such translation is required  
25 for immigration forms;

1           (3) \$1 for notarizing;

2           (4) \$3 to execute any procedures necessary to obtain a  
3 document required to complete immigration forms; and

4           (5) A maximum of \$75 for one complete application.

5           Fees authorized under this subsection shall not include  
6 application fees required to be submitted with immigration  
7 applications.

8           Any person who violates the provisions of this subsection  
9 shall be guilty of a Class A misdemeanor for a first offense  
10 and a Class 3 felony for a second or subsequent offense  
11 committed within 5 years of a previous conviction for the same  
12 offense.

13           (c) Upon his own information or upon complaint of any  
14 person, the Attorney General or any State's Attorney, or their  
15 designee, may maintain an action for injunctive relief in the  
16 court against any notary public or any other person who  
17 violates the provisions of subsection (b) of this Section.  
18 These remedies are in addition to, and not in substitution for,  
19 other available remedies.

20           If the Attorney General or any State's Attorney fails to  
21 bring an action as provided pursuant to this subsection within  
22 90 days of receipt of a complaint, any person may file a civil  
23 action to enforce the provisions of this subsection and  
24 maintain an action for injunctive relief.

25           (d) All notaries public must provide receipts and keep  
26 records for fees accepted for services provided. Failure to

1 provide receipts and keep records that can be presented as  
2 evidence of no wrongdoing shall be construed as a presumptive  
3 admission of allegations raised in complaints against the  
4 notary for violations related to accepting prohibited fees.

5 (Source: P.A. 93-1001, eff. 8-23-04.)

6 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

7 Sec. 6-102. Notarial Acts. (a) In taking an acknowledgment,  
8 the notary public must determine, either from personal  
9 knowledge or from satisfactory evidence, that the person  
10 appearing before the notary and making the acknowledgment is  
11 the person whose true signature is on the instrument.

12 (b) In taking a verification upon oath or affirmation, the  
13 notary public must determine, either from personal knowledge or  
14 from satisfactory evidence, that the person appearing before  
15 the notary and making the verification is the person whose true  
16 signature is on the statement verified.

17 (c) In witnessing or attesting a signature, the notary  
18 public must determine, either from personal knowledge or from  
19 satisfactory evidence, that the signature is that of the person  
20 appearing before the notary and named therein.

21 (d) A notary public has satisfactory evidence that a person  
22 is the person whose true signature is on a document if that  
23 person:

24 (1) is personally known to the notary;

25 (2) is identified upon the oath or affirmation of a

1 credible witness personally known to the notary; or

2 (3) is identified on the basis of identification documents.  
3 Until July 1, 2011, identification documents are documents that  
4 are valid at the time of the notarial act, issued by a state or  
5 federal government agency, and bearing the photographic image  
6 of the individual's face and signature of the individual.

7 (Source: P.A. 84-322.)

8 Section 10. The Freedom of Information Act is amended by  
9 changing Section 7 as follows:

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and  
13 copying:

14 (a) Information specifically prohibited from  
15 disclosure by federal or State law or rules and regulations  
16 adopted under federal or State law.

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

1           (i) files and personal information maintained with  
2           respect to clients, patients, residents, students or  
3           other individuals receiving social, medical,  
4           educational, vocational, financial, supervisory or  
5           custodial care or services directly or indirectly from  
6           federal agencies or public bodies;

7           (ii) personnel files and personal information  
8           maintained with respect to employees, appointees or  
9           elected officials of any public body or applicants for  
10          those positions;

11          (iii) files and personal information maintained  
12          with respect to any applicant, registrant or licensee  
13          by any public body cooperating with or engaged in  
14          professional or occupational registration, licensure  
15          or discipline;

16          (iv) information required of any taxpayer in  
17          connection with the assessment or collection of any tax  
18          unless disclosure is otherwise required by State  
19          statute;

20          (v) information revealing the identity of persons  
21          who file complaints with or provide information to  
22          administrative, investigative, law enforcement or  
23          penal agencies; provided, however, that identification  
24          of witnesses to traffic accidents, traffic accident  
25          reports, and rescue reports may be provided by agencies  
26          of local government, except in a case for which a

1 criminal investigation is ongoing, without  
2 constituting a clearly unwarranted per se invasion of  
3 personal privacy under this subsection; ~~and~~

4 (vi) the names, addresses, or other personal  
5 information of participants and registrants in park  
6 district, forest preserve district, and conservation  
7 district programs; and -

8 (vii) the Notarial Record or other medium  
9 containing the thumbprint or fingerprint required by  
10 Section 3-102(c)(6) of the Illinois Notary Public Act.

11 (c) Records compiled by any public body for  
12 administrative enforcement proceedings and any law  
13 enforcement or correctional agency for law enforcement  
14 purposes or for internal matters of a public body, but only  
15 to the extent that disclosure would:

16 (i) interfere with pending or actually and  
17 reasonably contemplated law enforcement proceedings  
18 conducted by any law enforcement or correctional  
19 agency;

20 (ii) interfere with pending administrative  
21 enforcement proceedings conducted by any public body;

22 (iii) deprive a person of a fair trial or an  
23 impartial hearing;

24 (iv) unavoidably disclose the identity of a  
25 confidential source or confidential information  
26 furnished only by the confidential source;

1 (v) disclose unique or specialized investigative  
2 techniques other than those generally used and known or  
3 disclose internal documents of correctional agencies  
4 related to detection, observation or investigation of  
5 incidents of crime or misconduct;

6 (vi) constitute an invasion of personal privacy  
7 under subsection (b) of this Section;

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

10 (viii) obstruct an ongoing criminal investigation.

11 (d) Criminal history record information maintained by  
12 State or local criminal justice agencies, except the  
13 following which shall be open for public inspection and  
14 copying:

15 (i) chronologically maintained arrest information,  
16 such as traditional arrest logs or blotters;

17 (ii) the name of a person in the custody of a law  
18 enforcement agency and the charges for which that  
19 person is being held;

20 (iii) court records that are public;

21 (iv) records that are otherwise available under  
22 State or local law; or

23 (v) records in which the requesting party is the  
24 individual identified, except as provided under part  
25 (vii) of paragraph (c) of subsection (1) of this  
26 Section.



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

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

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

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the  
2 trade secrets or information are proprietary, privileged  
3 or confidential, or where disclosure of the trade secrets  
4 or information may cause competitive harm, including:

5 (i) All information determined to be confidential  
6 under Section 4002 of the Technology Advancement and  
7 Development Act.

8 (ii) All trade secrets and commercial or financial  
9 information obtained by a public body, including a  
10 public pension fund, from a private equity fund or a  
11 privately held company within the investment portfolio  
12 of a private equity fund as a result of either  
13 investing or evaluating a potential investment of  
14 public funds in a private equity fund. The exemption  
15 contained in this item does not apply to the aggregate  
16 financial performance information of a private equity  
17 fund, nor to the identity of the fund's managers or  
18 general partners. The exemption contained in this item  
19 does not apply to the identity of a privately held  
20 company within the investment portfolio of a private  
21 equity fund, unless the disclosure of the identity of a  
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be construed  
24 to prevent a person or business from consenting to disclosure.

25 (h) Proposals and bids for any contract, grant, or  
26 agreement, including information which if it were

1 disclosed would frustrate procurement or give an advantage  
2 to any person proposing to enter into a contractor  
3 agreement with the body, until an award or final selection  
4 is made. Information prepared by or for the body in  
5 preparation of a bid solicitation shall be exempt until an  
6 award or final selection is made.

7 (i) Valuable formulae, computer geographic systems,  
8 designs, drawings and research data obtained or produced by  
9 any public body when disclosure could reasonably be  
10 expected to produce private gain or public loss. The  
11 exemption for "computer geographic systems" provided in  
12 this paragraph (i) does not extend to requests made by news  
13 media as defined in Section 2 of this Act when the  
14 requested information is not otherwise exempt and the only  
15 purpose of the request is to access and disseminate  
16 information regarding the health, safety, welfare, or  
17 legal rights of the general public.

18 (j) Test questions, scoring keys and other examination  
19 data used to administer an academic examination or  
20 determined the qualifications of an applicant for a license  
21 or employment.

22 (k) Architects' plans, engineers' technical  
23 submissions, and other construction related technical  
24 documents for projects not constructed or developed in  
25 whole or in part with public funds and the same for  
26 projects constructed or developed with public funds, but

1           only to the extent that disclosure would compromise  
2           security, including but not limited to water treatment  
3           facilities, airport facilities, sport stadiums, convention  
4           centers, and all government owned, operated, or occupied  
5           buildings.

6           (l) Library circulation and order records identifying  
7           library users with specific materials.

8           (m) Minutes of meetings of public bodies closed to the  
9           public as provided in the Open Meetings Act until the  
10          public body makes the minutes available to the public under  
11          Section 2.06 of the Open Meetings Act.

12          (n) Communications between a public body and an  
13          attorney or auditor representing the public body that would  
14          not be subject to discovery in litigation, and materials  
15          prepared or compiled by or for a public body in  
16          anticipation of a criminal, civil or administrative  
17          proceeding upon the request of an attorney advising the  
18          public body, and materials prepared or compiled with  
19          respect to internal audits of public bodies.

20          (o) Information received by a primary or secondary  
21          school, college or university under its procedures for the  
22          evaluation of faculty members by their academic peers.

23          (p) Administrative or technical information associated  
24          with automated data processing operations, including but  
25          not limited to software, operating protocols, computer  
26          program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation  
2 pertaining to all logical and physical design of  
3 computerized systems, employee manuals, and any other  
4 information that, if disclosed, would jeopardize the  
5 security of the system or its data or the security of  
6 materials exempt under this Section.

7 (q) Documents or materials relating to collective  
8 negotiating matters between public bodies and their  
9 employees or representatives, except that any final  
10 contract or agreement shall be subject to inspection and  
11 copying.

12 (r) Drafts, notes, recommendations and memoranda  
13 pertaining to the financing and marketing transactions of  
14 the public body. The records of ownership, registration,  
15 transfer, and exchange of municipal debt obligations, and  
16 of persons to whom payment with respect to these  
17 obligations is made.

18 (s) The records, documents and information relating to  
19 real estate purchase negotiations until those negotiations  
20 have been completed or otherwise terminated. With regard to  
21 a parcel involved in a pending or actually and reasonably  
22 contemplated eminent domain proceeding under the Eminent  
23 Domain Act, records, documents and information relating to  
24 that parcel shall be exempt except as may be allowed under  
25 discovery rules adopted by the Illinois Supreme Court. The  
26 records, documents and information relating to a real

1 estate sale shall be exempt until a sale is consummated.

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

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

13 (v) Course materials or research materials used by  
14 faculty members.

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

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

23 (y) Information the disclosure of which is restricted  
24 under Section 5-108 of the Public Utilities Act.

25 (z) Manuals or instruction to staff that relate to  
26 establishment or collection of liability for any State tax

1 or that relate to investigations by a public body to  
2 determine violation of any criminal law.

3 (aa) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other records  
6 prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (bb) Insurance or self insurance (including any  
10 intergovernmental risk management association or self  
11 insurance pool) claims, loss or risk management  
12 information, records, data, advice or communications.

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

19 (dd) Information the disclosure of which is exempted  
20 under Section 30 of the Radon Industry Licensing Act.

21 (ee) Firm performance evaluations under Section 55 of  
22 the Architectural, Engineering, and Land Surveying  
23 Qualifications Based Selection Act.

24 (ff) Security portions of system safety program plans,  
25 investigation reports, surveys, schedules, lists, data, or  
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of  
2 the Regional Transportation Authority Act or the St. Clair  
3 County Transit District under the Bi-State Transit Safety  
4 Act.

5 (gg) Information the disclosure of which is restricted  
6 and exempted under Section 50 of the Illinois Prepaid  
7 Tuition Act.

8 (hh) Information the disclosure of which is exempted  
9 under the State Officials and Employees Ethics Act.

10 (ii) Beginning July 1, 1999, information that would  
11 disclose or might lead to the disclosure of secret or  
12 confidential information, codes, algorithms, programs, or  
13 private keys intended to be used to create electronic or  
14 digital signatures under the Electronic Commerce Security  
15 Act.

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

20 (kk) Information and data concerning the distribution  
21 of surcharge moneys collected and remitted by wireless  
22 carriers under the Wireless Emergency Telephone Safety  
23 Act.

24 (ll) Vulnerability assessments, security measures, and  
25 response policies or plans that are designed to identify,  
26 prevent, or respond to potential attacks upon a community's



1 population or systems, facilities, or installations, the  
2 destruction or contamination of which would constitute a  
3 clear and present danger to the health or safety of the  
4 community, but only to the extent that disclosure could  
5 reasonably be expected to jeopardize the effectiveness of  
6 the measures or the safety of the personnel who implement  
7 them or the public. Information exempt under this item may  
8 include such things as details pertaining to the  
9 mobilization or deployment of personnel or equipment, to  
10 the operation of communication systems or protocols, or to  
11 tactical operations.

12 (mm) Maps and other records regarding the location or  
13 security of a utility's generation, transmission,  
14 distribution, storage, gathering, treatment, or switching  
15 facilities.

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

21 (oo) Records and information provided to a residential  
22 health care facility resident sexual assault and death  
23 review team or the Executive Council under the Abuse  
24 Prevention Review Team Act.

25 (pp) Information provided to the predatory lending  
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent  
2 authorized under that Article.

3 (qq) Defense budgets and petitions for certification  
4 of compensation and expenses for court appointed trial  
5 counsel as provided under Sections 10 and 15 of the Capital  
6 Crimes Litigation Act. This subsection (qq) shall apply  
7 until the conclusion of the trial of the case, even if the  
8 prosecution chooses not to pursue the death penalty prior  
9 to trial or sentencing.

10 (2) This Section does not authorize withholding of  
11 information or limit the availability of records to the public,  
12 except as stated in this Section or otherwise provided in this  
13 Act.

14 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,  
15 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;  
16 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.  
17 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.  
18 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised  
19 8-3-06.)

20 Section 99. Effective date. This Act takes effect July 1,  
21 2008."