



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1624

Introduced 2/9/2011, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7	from Ch. 116, par. 207
5 ILCS 140/7.5	
210 ILCS 28/30	
405 ILCS 82/25	
730 ILCS 195/40	

Amends the Open Meetings Act. Provides that only particular portions of specified meetings under the Abuse Prevention Review Team Act, Developmental Disability and Mental Health Safety Act, and Department of Juvenile Justice Mortality Review Team Act (rather than all of the specified meetings under those Acts) may be closed to the public. Amends the Freedom of Information Act. Provides that only particular portions (rather than all) of the records and information maintained or provided by certain entities under the Abuse Prevention Review Team Act, Developmental Disability and Mental Health Safety Act, and Department of Juvenile Justice Mortality Review Team Act are exempt from disclosure. Amends the Abuse Prevention Review Team Act, Developmental Disability and Mental Health Safety Act, and Department of Juvenile Justice Mortality Review Team Act to make conforming changes. Effective immediately.

LRB097 05340 JDS 45395 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the public
13 body is given power to remove the occupant under law or
14 ordinance.

15 (4) Evidence or testimony presented in open hearing, or
16 in closed hearing where specifically authorized by law, to
17 a quasi-adjudicative body, as defined in this Act, provided
18 that the body prepares and makes available for public
19 inspection a written decision setting forth its
20 determinative reasoning.

21 (5) The purchase or lease of real property for the use
22 of the public body, including meetings held for the purpose
23 of discussing whether a particular parcel should be
24 acquired.

25 (6) The setting of a price for sale or lease of
26 property owned by the public body.

1 (7) The sale or purchase of securities, investments, or
2 investment contracts.

3 (8) Security procedures and the use of personnel and
4 equipment to respond to an actual, a threatened, or a
5 reasonably potential danger to the safety of employees,
6 students, staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public body

1 is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair housing
5 practices and creating a commission or administrative
6 agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member.

19 (17) The recruitment, credentialing, discipline or
20 formal peer review of physicians or other health care
21 professionals for a hospital, or other institution
22 providing medical care, that is operated by the public
23 body.

24 (18) Deliberations for decisions of the Prisoner
25 Review Board.

26 (19) Review or discussion of applications received

1 under the Experimental Organ Transplantation Procedures
2 Act.

3 (20) The classification and discussion of matters
4 classified as confidential or continued confidential by
5 the State Government Suggestion Award Board.

6 (21) Discussion of minutes of meetings lawfully closed
7 under this Act, whether for purposes of approval by the
8 body of the minutes or semi-annual review of the minutes as
9 mandated by Section 2.06.

10 (22) Deliberations for decisions of the State
11 Emergency Medical Services Disciplinary Review Board.

12 (23) The operation by a municipality of a municipal
13 utility or the operation of a municipal power agency or
14 municipal natural gas agency when the discussion involves
15 (i) contracts relating to the purchase, sale, or delivery
16 of electricity or natural gas or (ii) the results or
17 conclusions of load forecast studies.

18 (24) That portion of a meeting of either a Meetings of
19 a residential health care facility resident sexual assault
20 and death review team or the Executive Council during which
21 the sexual assault or death of a resident is being
22 investigated or examined under the Abuse Prevention Review
23 Team Act.

24 (25) That portion of a meeting of an independent team
25 of experts during which the death of a resident is being
26 investigated or examined under the Developmental

1 Disability and Mental Health Safety Act Meetings of an
2 independent team of experts under Brian's Law.

3 (26) ~~(25)~~ That portion of a meeting of a mortality
4 review team during which the death of a youth is being
5 investigated or examined ~~Meetings of a mortality review~~
6 ~~team appointed~~ under the Department of Juvenile Justice
7 Mortality Review Team Act.

8 (27) ~~(25)~~ Confidential information, when discussed by
9 one or more members of an elder abuse fatality review team,
10 designated under Section 15 of the Elder Abuse and Neglect
11 Act, while participating in a review conducted by that team
12 of the death of an elderly person in which abuse or neglect
13 is suspected, alleged, or substantiated; provided that
14 before the review team holds a closed meeting, or closes an
15 open meeting, to discuss the confidential information,
16 each participating review team member seeking to disclose
17 the confidential information in the closed meeting or
18 closed portion of the meeting must state on the record
19 during an open meeting or the open portion of a meeting the
20 nature of the information to be disclosed and the legal
21 basis for otherwise holding that information confidential.

22 (d) Definitions. For purposes of this Section:

23 "Employee" means a person employed by a public body whose
24 relationship with the public body constitutes an
25 employer-employee relationship under the usual common law
26 rules, and who is not an independent contractor.

1 "Public office" means a position created by or under the
2 Constitution or laws of this State, the occupant of which is
3 charged with the exercise of some portion of the sovereign
4 power of this State. The term "public office" shall include
5 members of the public body, but it shall not include
6 organizational positions filled by members thereof, whether
7 established by law or by a public body itself, that exist to
8 assist the body in the conduct of its business.

9 "Quasi-adjudicative body" means an administrative body
10 charged by law or ordinance with the responsibility to conduct
11 hearings, receive evidence or testimony and make
12 determinations based thereon, but does not include local
13 electoral boards when such bodies are considering petition
14 challenges.

15 (e) Final action. No final action may be taken at a closed
16 meeting. Final action shall be preceded by a public recital of
17 the nature of the matter being considered and other information
18 that will inform the public of the business being conducted.

19 (Source: P.A. 95-185, eff. 1-1-08; 96-1235, eff. 1-1-11;
20 96-1378, eff. 7-29-10; 96-1428, eff. 8-11-10; revised 9-2-10.)

21 Section 10. The Freedom of Information Act is amended by
22 changing Sections 7 and 7.5 as follows:

23 (5 ILCS 140/7) (from Ch. 116, par. 207)

24 Sec. 7. Exemptions.

1 (1) When a request is made to inspect or copy a public
2 record that contains information that is exempt from disclosure
3 under this Section, but also contains information that is not
4 exempt from disclosure, the public body may elect to redact the
5 information that is exempt. The public body shall make the
6 remaining information available for inspection and copying.
7 Subject to this requirement, the following shall be exempt from
8 inspection and copying:

9 (a) Information specifically prohibited from
10 disclosure by federal or State law or rules and regulations
11 implementing federal or State law.

12 (b) Private information, unless disclosure is required
13 by another provision of this Act, a State or federal law or
14 a court order.

15 (b-5) Files, documents, and other data or databases
16 maintained by one or more law enforcement agencies and
17 specifically designed to provide information to one or more
18 law enforcement agencies regarding the physical or mental
19 status of one or more individual subjects.

20 (c) Personal information contained within public
21 records, the disclosure of which would constitute a clearly
22 unwarranted invasion of personal privacy, unless the
23 disclosure is consented to in writing by the individual
24 subjects of the information. "Unwarranted invasion of
25 personal privacy" means the disclosure of information that
26 is highly personal or objectionable to a reasonable person

1 and in which the subject's right to privacy outweighs any
2 legitimate public interest in obtaining the information.
3 The disclosure of information that bears on the public
4 duties of public employees and officials shall not be
5 considered an invasion of personal privacy.

6 (d) Records in the possession of any public body
7 created in the course of administrative enforcement
8 proceedings, and any law enforcement or correctional
9 agency for law enforcement purposes, but only to the extent
10 that disclosure would:

11 (i) interfere with pending or actually and
12 reasonably contemplated law enforcement proceedings
13 conducted by any law enforcement or correctional
14 agency that is the recipient of the request;

15 (ii) interfere with active administrative
16 enforcement proceedings conducted by the public body
17 that is the recipient of the request;

18 (iii) create a substantial likelihood that a
19 person will be deprived of a fair trial or an impartial
20 hearing;

21 (iv) unavoidably disclose the identity of a
22 confidential source, confidential information
23 furnished only by the confidential source, or persons
24 who file complaints with or provide information to
25 administrative, investigative, law enforcement, or
26 penal agencies; except that the identities of

1 witnesses to traffic accidents, traffic accident
2 reports, and rescue reports shall be provided by
3 agencies of local government, except when disclosure
4 would interfere with an active criminal investigation
5 conducted by the agency that is the recipient of the
6 request;

7 (v) disclose unique or specialized investigative
8 techniques other than those generally used and known or
9 disclose internal documents of correctional agencies
10 related to detection, observation or investigation of
11 incidents of crime or misconduct, and disclosure would
12 result in demonstrable harm to the agency or public
13 body that is the recipient of the request;

14 (vi) endanger the life or physical safety of law
15 enforcement personnel or any other person; or

16 (vii) obstruct an ongoing criminal investigation
17 by the agency that is the recipient of the request.

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

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

1 of officers and agencies of the General Assembly that
2 pertain to the preparation of legislative documents.

3 (g) Trade secrets and commercial or financial
4 information obtained from a person or business where the
5 trade secrets or commercial or financial information are
6 furnished under a claim that they are proprietary,
7 privileged or confidential, and that disclosure of the
8 trade secrets or commercial or financial information would
9 cause competitive harm to the person or business, and only
10 insofar as the claim directly applies to the records
11 requested.

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

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

4 (h) Proposals and bids for any contract, grant, or
5 agreement, including information which if it were
6 disclosed would frustrate procurement or give an advantage
7 to any person proposing to enter into a contractor
8 agreement with the body, until an award or final selection
9 is made. Information prepared by or for the body in
10 preparation of a bid solicitation shall be exempt until an
11 award or final selection is made.

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

23 (j) The following information pertaining to
24 educational matters:

25 (i) test questions, scoring keys and other
26 examination data used to administer an academic

1 examination;

2 (ii) information received by a primary or
3 secondary school, college, or university under its
4 procedures for the evaluation of faculty members by
5 their academic peers;

6 (iii) information concerning a school or
7 university's adjudication of student disciplinary
8 cases, but only to the extent that disclosure would
9 unavoidably reveal the identity of the student; and

10 (iv) course materials or research materials used
11 by faculty members.

12 (k) Architects' plans, engineers' technical
13 submissions, and other construction related technical
14 documents for projects not constructed or developed in
15 whole or in part with public funds and the same for
16 projects constructed or developed with public funds,
17 including but not limited to power generating and
18 distribution stations and other transmission and
19 distribution facilities, water treatment facilities,
20 airport facilities, sport stadiums, convention centers,
21 and all government owned, operated, or occupied buildings,
22 but only to the extent that disclosure would compromise
23 security.

24 (l) Minutes of meetings of public bodies closed to the
25 public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public under

1 Section 2.06 of the Open Meetings Act.

2 (m) Communications between a public body and an
3 attorney or auditor representing the public body that would
4 not be subject to discovery in litigation, and materials
5 prepared or compiled by or for a public body in
6 anticipation of a criminal, civil or administrative
7 proceeding upon the request of an attorney advising the
8 public body, and materials prepared or compiled with
9 respect to internal audits of public bodies.

10 (n) Records relating to a public body's adjudication of
11 employee grievances or disciplinary cases; however, this
12 exemption shall not extend to the final outcome of cases in
13 which discipline is imposed.

14 (o) Administrative or technical information associated
15 with automated data processing operations, including but
16 not limited to software, operating protocols, computer
17 program abstracts, file layouts, source listings, object
18 modules, load modules, user guides, documentation
19 pertaining to all logical and physical design of
20 computerized systems, employee manuals, and any other
21 information that, if disclosed, would jeopardize the
22 security of the system or its data or the security of
23 materials exempt under this Section.

24 (p) Records relating to collective negotiating matters
25 between public bodies and their employees or
26 representatives, except that any final contract or

1 agreement shall be subject to inspection and copying.

2 (q) Test questions, scoring keys, and other
3 examination data used to determine the qualifications of an
4 applicant for a license or employment.

5 (r) The records, documents, and information relating
6 to real estate purchase negotiations until those
7 negotiations have been completed or otherwise terminated.
8 With regard to a parcel involved in a pending or actually
9 and reasonably contemplated eminent domain proceeding
10 under the Eminent Domain Act, records, documents and
11 information relating to that parcel shall be exempt except
12 as may be allowed under discovery rules adopted by the
13 Illinois Supreme Court. The records, documents and
14 information relating to a real estate sale shall be exempt
15 until a sale is consummated.

16 (s) Any and all proprietary information and records
17 related to the operation of an intergovernmental risk
18 management association or self-insurance pool or jointly
19 self-administered health and accident cooperative or pool.
20 Insurance or self insurance (including any
21 intergovernmental risk management association or self
22 insurance pool) claims, loss or risk management
23 information, records, data, advice or communications.

24 (t) Information contained in or related to
25 examination, operating, or condition reports prepared by,
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial
2 institutions or insurance companies, unless disclosure is
3 otherwise required by State law.

4 (u) Information that would disclose or might lead to
5 the disclosure of secret or confidential information,
6 codes, algorithms, programs, or private keys intended to be
7 used to create electronic or digital signatures under the
8 Electronic Commerce Security Act.

9 (v) Vulnerability assessments, security measures, and
10 response policies or plans that are designed to identify,
11 prevent, or respond to potential attacks upon a community's
12 population or systems, facilities, or installations, the
13 destruction or contamination of which would constitute a
14 clear and present danger to the health or safety of the
15 community, but only to the extent that disclosure could
16 reasonably be expected to jeopardize the effectiveness of
17 the measures or the safety of the personnel who implement
18 them or the public. Information exempt under this item may
19 include such things as details pertaining to the
20 mobilization or deployment of personnel or equipment, to
21 the operation of communication systems or protocols, or to
22 tactical operations.

23 (w) (Blank).

24 (x) Maps and other records regarding the location or
25 security of generation, transmission, distribution,
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the
2 Illinois Power Agency.

3 (y) Information contained in or related to proposals,
4 bids, or negotiations related to electric power
5 procurement under Section 1-75 of the Illinois Power Agency
6 Act and Section 16-111.5 of the Public Utilities Act that
7 is determined to be confidential and proprietary by the
8 Illinois Power Agency or by the Illinois Commerce
9 Commission.

10 (z) Information about students exempted from
11 disclosure under Sections 10-20.38 or 34-18.29 of the
12 School Code, and information about undergraduate students
13 enrolled at an institution of higher education exempted
14 from disclosure under Section 25 of the Illinois Credit
15 Card Marketing Act of 2009.

16 (aa) Information the disclosure of which is exempted
17 under the Viatical Settlements Act of 2009.

18 (bb) Records and information provided to a mortality
19 review team and records maintained by a mortality review
20 team that pertain to the investigation and examination,
21 ~~appointed~~ under the Department of Juvenile Justice
22 Mortality Review Team Act, of the death of any youth.

23 (cc) ~~(bb)~~ Information regarding interments,
24 entombments, or inurnments of human remains that are
25 submitted to the Cemetery Oversight Database under the
26 Cemetery Care Act or the Cemetery Oversight Act, whichever

1 is applicable.

2 (2) A public record that is not in the possession of a
3 public body but is in the possession of a party with whom the
4 agency has contracted to perform a governmental function on
5 behalf of the public body, and that directly relates to the
6 governmental function and is not otherwise exempt under this
7 Act, shall be considered a public record of the public body,
8 for purposes of this Act.

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

13 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
14 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;
15 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;
16 96-736, eff. 7-1-10; 96-863, eff. 3-1-10; 96-1378, eff.
17 7-29-10; revised 9-2-10.)

18 (5 ILCS 140/7.5)

19 Sec. 7.5. Statutory Exemptions. To the extent provided for
20 by the statutes referenced below, the following shall be exempt
21 from inspection and copying:

22 (a) All information determined to be confidential under
23 Section 4002 of the Technology Advancement and Development Act.

24 (b) Library circulation and order records identifying
25 library users with specific materials under the Library Records

1 Confidentiality Act.

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

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating to
9 known or suspected cases of sexually transmissible disease or
10 any information the disclosure of which is restricted under the
11 Illinois Sexually Transmissible Disease Control Act.

12 (e) Information the disclosure of which is exempted under
13 Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of the
15 Architectural, Engineering, and Land Surveying Qualifications
16 Based Selection Act.

17 (g) Information the disclosure of which is restricted and
18 exempted under Section 50 of the Illinois Prepaid Tuition Act.

19 (h) Information the disclosure of which is exempted under
20 the State Officials and Employees Ethics Act, and records of
21 any lawfully created State or local inspector general's office
22 that would be exempt if created or obtained by an Executive
23 Inspector General's office under that Act.

24 (i) Information contained in a local emergency energy plan
25 submitted to a municipality in accordance with a local
26 emergency energy plan ordinance that is adopted under Section

1 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution of
3 surcharge moneys collected and remitted by wireless carriers
4 under the Wireless Emergency Telephone Safety Act.

5 (k) Law enforcement officer identification information or
6 driver identification information compiled by a law
7 enforcement agency or the Department of Transportation under
8 Section 11-212 of the Illinois Vehicle Code.

9 (l) Records and information provided to a residential
10 health care facility resident sexual assault and death review
11 team or the Executive Council that pertain to the investigation
12 and examination, under the Abuse Prevention Review Team Act, of
13 the sexual assault or death of any resident.

14 (m) Information provided to the predatory lending database
15 created pursuant to Article 3 of the Residential Real Property
16 Disclosure Act, except to the extent authorized under that
17 Article.

18 (n) Defense budgets and petitions for certification of
19 compensation and expenses for court appointed trial counsel as
20 provided under Sections 10 and 15 of the Capital Crimes
21 Litigation Act. This subsection (n) shall apply until the
22 conclusion of the trial of the case, even if the prosecution
23 chooses not to pursue the death penalty prior to trial or
24 sentencing.

25 (o) Information that is prohibited from being disclosed
26 under Section 4 of the Illinois Health and Hazardous Substances

1 Registry Act.

2 (p) Security portions of system safety program plans,
3 investigation reports, surveys, schedules, lists, data, or
4 information compiled, collected, or prepared by or for the
5 Regional Transportation Authority under Section 2.11 of the
6 Regional Transportation Authority Act or the St. Clair County
7 Transit District under the Bi-State Transit Safety Act.

8 (q) Information prohibited from being disclosed by the
9 Personnel Records Review Act.

10 (r) Information prohibited from being disclosed by the
11 Illinois School Student Records Act.

12 (s) Information the disclosure of which is restricted under
13 Section 5-108 of the Public Utilities Act.

14 (t) All identified or deidentified health information in
15 the form of health data or medical records contained in, stored
16 in, submitted to, transferred by, or released from the Illinois
17 Health Information Exchange, and identified or deidentified
18 health information in the form of health data and medical
19 records of the Illinois Health Information Exchange in the
20 possession of the Illinois Health Information Exchange
21 Authority due to its administration of the Illinois Health
22 Information Exchange. The terms "identified" and
23 "deidentified" shall be given the same meaning as in the Health
24 Insurance Accountability and Portability Act of 1996, Public
25 Law 104-191, or any subsequent amendments thereto, and any
26 regulations promulgated thereunder.

1 (u) ~~(t)~~ Records and information provided to an independent
2 team of experts that pertain to the investigation and
3 examination, under the Developmental Disability and Mental
4 Health Safety Act, of the death of any resident ~~under Brian's~~
5 Law.

6 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
7 96-1331, eff. 7-27-10; revised 9-2-10.)

8 Section 15. The Abuse Prevention Review Team Act is amended
9 by changing Section 30 as follows:

10 (210 ILCS 28/30)

11 Sec. 30. Public access to information.

12 (a) Meetings of the review teams and the Executive Council
13 shall be closed to the public pursuant to paragraph (24) of
14 subsection (c) of Section 2 of the Open Meetings Act. ~~Meetings~~
15 ~~of the review teams and the Executive Council are not subject~~
16 ~~to the Open Meetings Act, as provided in that Act.~~

17 (b) Records and information provided to a review team and
18 the Executive Council, and records maintained by a review team
19 or the Executive Council, are confidential pursuant to
20 subsection (1) of Section 7.5 of the Freedom of Information Act
21 ~~and not subject to the Freedom of Information Act, as provided~~
22 ~~in that Act.~~ Nothing contained in this subsection (b) prevents
23 the sharing or disclosure of records, other than those produced
24 by a review team or the Executive Council, relating or

1 pertaining to the sexual assault or death of a resident.

2 (c) Members of a review team and the Executive Council are
3 not subject to examination, in any civil or criminal
4 proceeding, concerning information presented to members of the
5 review team or the Executive Council or opinions formed by
6 members of the review team or the Executive Council based on
7 that information. A person may, however, be examined concerning
8 information provided to a review team or the Executive Council
9 that is otherwise available to the public.

10 (d) Records and information produced by a review team and
11 the Executive Council (other than records and information that
12 are produced by a review team and the Executive Council and may
13 be disclosed under the Freedom of Information Act) are not
14 subject to discovery or subpoena and are not admissible as
15 evidence in any civil or criminal proceeding. Those records and
16 information are, however, subject to discovery or a subpoena,
17 and are admissible as evidence, to the extent they are
18 otherwise available to the public.

19 (Source: P.A. 93-577, eff. 8-21-03.)

20 Section 20. The Developmental Disability and Mental Health
21 Safety Act (aka Brian's Law) is amended by changing Section 25
22 as follows:

23 (405 ILCS 82/25)

24 Sec. 25. Public access to and confidentiality of

1 information.

2 (a) Meetings of the independent team of experts shall be
3 closed to the public pursuant to paragraph (25) of subsection
4 (c) of Section 2 of the Open Meetings Act.

5 (b) Records and information provided to the independent
6 team of experts are confidential pursuant to subsection (u) of
7 Section 7.5 of the Freedom of Information Act. Nothing
8 contained in this subsection (b) prevents the sharing or
9 disclosure of records, other than those produced by the
10 independent team, relating or pertaining to the death of an
11 individual.

12 (c) Members of the independent team of experts are not
13 subject to examination, in any civil or criminal proceeding,
14 concerning information presented to members of the team or
15 opinions formed by members of the team based on that
16 information. A person may, however, be examined concerning
17 information provided to the team that is otherwise available to
18 the public.

19 (d) Records and information produced by the team (other
20 than records and information that are produced by the team and
21 may be disclosed under the Freedom of Information Act) are not
22 subject to discovery or subpoena and are not admissible as
23 evidence in any civil or criminal proceeding. Those records and
24 information are, however, subject to discovery or a subpoena,
25 and are admissible as evidence to the extent they are otherwise
26 available to the public.

1 (Source: P.A. 96-1235, eff. 1-1-11.)

2 Section 25. The Department of Juvenile Justice Mortality
3 Review Team Act is amended by changing Section 40 as follows:

4 (730 ILCS 195/40)

5 Sec. 40. Public access to information.

6 (a) Meetings of a mortality review team shall be closed to
7 the public pursuant to paragraph (26) of subsection (c) of
8 Section 2 of the Open Meetings Act. ~~Meetings of the mortality~~
9 ~~review teams are not subject to the Open Meetings Act, as~~
10 ~~provided in that Act.~~

11 (b) Records and information provided to a mortality review
12 team and records maintained by a team are confidential and not
13 subject to inspection and copying pursuant to paragraph (bb) of
14 subsection (1) of Section 7 of the Freedom of Information Act.
15 ~~under the Freedom of Information Act, as provided in that Act.~~

16 (c) Members of a mortality review team are not subject to
17 examination, in any civil or criminal proceeding, concerning
18 information presented to members of the team or opinions formed
19 by members of the team based on that information. A team member
20 may, however, be examined concerning information provided to
21 the team that is otherwise available to the public.

22 (d) Records and information produced by a mortality review
23 team (other than records and information that are produced by
24 the team and may be disclosed under the Freedom of Information

1 Act) are not subject to discovery or subpoena and are not
2 admissible as evidence in any civil or criminal proceeding.
3 Those records and information are, however, subject to
4 discovery or a subpoena, and are admissible as evidence, to the
5 extent they are otherwise available to the public.

6 (Source: P.A. 96-1378, eff. 7-29-10.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.