



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5344

by Rep. Brad E. Halbrook

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2
5 ILCS 140/2.5

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that only for purposes of the Section concerning records of funds, the term "public body" includes probation offices, State's Attorney offices, circuit clerks, and judges. Provides that all records relating to the obligation, receipt, and use of public funds of probation offices, State's Attorney offices, circuit clerks, and judges are public records subject to inspection and copying by the public. Effective immediately.

LRB098 18656 HEP 53799 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 Freedom of Information Act is amended by
5 changing Sections 2 and 2.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act. Only for purposes of Section 2.5 of this
20 Act, "public body" also includes probation offices, State's
21 Attorney offices, circuit clerks, and judges.

22 (b) "Person" means any individual, corporation,
23 partnership, firm, organization or association, acting

1 individually or as a group.

2 (c) "Public records" means all records, reports, forms,
3 writings, letters, memoranda, books, papers, maps,
4 photographs, microfilms, cards, tapes, recordings, electronic
5 data processing records, electronic communications, recorded
6 information and all other documentary materials pertaining to
7 the transaction of public business, regardless of physical form
8 or characteristics, having been prepared by or for, or having
9 been or being used by, received by, in the possession of, or
10 under the control of any public body.

11 (c-5) "Private information" means unique identifiers,
12 including a person's social security number, driver's license
13 number, employee identification number, biometric identifiers,
14 personal financial information, passwords or other access
15 codes, medical records, home or personal telephone numbers, and
16 personal email addresses. Private information also includes
17 home address and personal license plates, except as otherwise
18 provided by law or when compiled without possibility of
19 attribution to any person.

20 (c-10) "Commercial purpose" means the use of any part of a
21 public record or records, or information derived from public
22 records, in any form for sale, resale, or solicitation or
23 advertisement for sales or services. For purposes of this
24 definition, requests made by news media and non-profit,
25 scientific, or academic organizations shall not be considered
26 to be made for a "commercial purpose" when the principal

1 purpose of the request is (i) to access and disseminate
2 information concerning news and current or passing events, (ii)
3 for articles of opinion or features of interest to the public,
4 or (iii) for the purpose of academic, scientific, or public
5 research or education.

6 (d) "Copying" means the reproduction of any public record
7 by means of any photographic, electronic, mechanical or other
8 process, device or means now known or hereafter developed and
9 available to the public body.

10 (e) "Head of the public body" means the president, mayor,
11 chairman, presiding officer, director, superintendent,
12 manager, supervisor or individual otherwise holding primary
13 executive and administrative authority for the public body, or
14 such person's duly authorized designee.

15 (f) "News media" means a newspaper or other periodical
16 issued at regular intervals whether in print or electronic
17 format, a news service whether in print or electronic format, a
18 radio station, a television station, a television network, a
19 community antenna television service, or a person or
20 corporation engaged in making news reels or other motion
21 picture news for public showing.

22 (g) "Recurrent requester", as used in Section 3.2 of this
23 Act, means a person that, in the 12 months immediately
24 preceding the request, has submitted to the same public body
25 (i) a minimum of 50 requests for records, (ii) a minimum of 15
26 requests for records within a 30-day period, or (iii) a minimum

1 of 7 requests for records within a 7-day period. For purposes
2 of this definition, requests made by news media and non-profit,
3 scientific, or academic organizations shall not be considered
4 in calculating the number of requests made in the time periods
5 in this definition when the principal purpose of the requests
6 is (i) to access and disseminate information concerning news
7 and current or passing events, (ii) for articles of opinion or
8 features of interest to the public, or (iii) for the purpose of
9 academic, scientific, or public research or education.

10 For the purposes of this subsection (g), "request" means a
11 written document (or oral request, if the public body chooses
12 to honor oral requests) that is submitted to a public body via
13 personal delivery, mail, telefax, electronic mail, or other
14 means available to the public body and that identifies the
15 particular public record the requester seeks. One request may
16 identify multiple records to be inspected or copied.

17 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
18 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

19 (5 ILCS 140/2.5)

20 Sec. 2.5. Records of funds. All records relating to the
21 obligation, receipt, and use of public funds of the State,
22 units of local government, ~~and~~ school districts, probation
23 offices, State's Attorney offices, circuit clerks, and judges
24 are public records subject to inspection and copying by the
25 public.

1 (Source: P.A. 96-542, eff. 1-1-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.