



Sen. John G. Mulroe

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09800SB0115sam001

LRB098 04339 OMW 45702 a

1 AMENDMENT TO SENATE BILL 115

2 AMENDMENT NO. _____. Amend Senate Bill 115 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Records Act is amended by changing
5 Section 4a as follows:

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest reports.

8 (a) When an individual is arrested, the following
9 information must be made available to the news media for
10 inspection and copying:

11 (1) Information that identifies the individual,
12 including the name, age, address, and photograph, when and
13 if available.

14 (2) Information detailing any charges relating to the
15 arrest.

16 (3) The time and location of the arrest.

1 (4) The name of the investigating or arresting law
2 enforcement agency.

3 (5) If the individual is incarcerated, the amount of
4 any bail or bond.

5 (6) If the individual is incarcerated, the time and
6 date that the individual was received, discharged, or
7 transferred from the arresting agency's custody.

8 (b) The information required by this Section must be made
9 available to the news media for inspection and copying as soon
10 as practicable, but in no event shall the time period exceed 72
11 hours from the arrest. The information described in paragraphs
12 (3), (4), (5), and (6) of subsection (a), however, may be
13 withheld if it is determined that disclosure would:

14 (1) interfere with pending or actually and reasonably
15 contemplated law enforcement proceedings conducted by any
16 law enforcement or correctional agency;

17 (2) endanger the life or physical safety of law
18 enforcement or correctional personnel or any other person;

19 or

20 (3) compromise the security of any correctional
21 facility.

22 (c) For the purposes of this Section, the term "news media"
23 means personnel of a newspaper or other periodical issued at
24 regular intervals whether in print or electronic format, a news
25 service whether in print or electronic format, a radio station,
26 a television station, a television network, a community antenna

1 television service, or a person or corporation engaged in
2 making news reels or other motion picture news for public
3 showing.

4 (d) Each law enforcement or correctional agency may charge
5 fees for arrest records, but in no instance may the fee exceed
6 the actual cost of copying and reproduction. The fees may not
7 include the cost of the labor used to reproduce the arrest
8 record.

9 (e) The provisions of this Section do not supersede the
10 confidentiality provisions for arrest records of the Juvenile
11 Court Act of 1987.

12 (f) All information, including all photographs and digital
13 images, made available under this Section remains the
14 intellectual property of the law enforcement or correctional
15 agency that compiled or created the information provided.
16 Ownership of the information and the protections provided by
17 this Section extends to any and all copies or reproductions of
18 the information, including any reproduction or republication
19 of photographs and digital images.

20 (g) Any information, including photographs and digital
21 images, made available under this Section may be published,
22 disseminated, or reproduced, provided that the publication,
23 dissemination, or reproduction of the information is complete
24 and accurate. The information published, disseminated, or
25 reproduced is considered complete and accurate if the
26 information:

1 (1) has not been modified or edited, except that
2 photographs and digital images may be enlarged or reduced;

3 (2) correctly and completely reflects the information
4 provided under subsection (a) of this Section; and

5 (3) fully reflects the most recent information
6 available.

7 A violation of this subsection (g) constitutes a business
8 offense with a fine of \$1,000 per day that the person or entity
9 is in violation of this subsection (g), with each day being a
10 separate violation.

11 (h) No person or entity may charge a fee for ceasing
12 information, including a publication, reproduction, or
13 dissemination of a copyrighted photograph or digital image,
14 made available under this Section. Upon receipt of documents
15 showing that one of the following are true, the person or
16 entity must cease publication, reproduction, or dissemination
17 of the information, including photographs and digital images,
18 within 48 hours:

19 (1) the charges against the arrested individual have
20 been dismissed;

21 (2) the arrested individual was under the age of 18 at
22 the time of arrest;

23 (3) the arrested individual was acquitted or found not
24 guilty of the crimes charged;

25 (4) the arrested individual received a non-adjudicated
26 disposition;

1 (5) the arrested individual has received a certificate
2 of innocence or has been granted an executive clemency or
3 pardon;

4 (6) the records of the arrested individual have been
5 sealed or expunged;

6 (7) the arrested individual is now deceased; or

7 (8) the arrest was for a misdemeanor charge or
8 non-violent felony, occurring more than 10 years ago.

9 Upon cessation of publication, reproduction, or
10 dissemination of the information, the person or entity must,
11 within 7 days, notify the person who requested cessation of
12 compliance therewith. A violation of this subsection (h)
13 constitutes a business offense with a fine of \$1,000 per day
14 that the person or entity is in violation of this subsection
15 (h), with each day being a separate violation.

16 (i) Subsections (g) and (h) of this Section do not apply
17 to: (1) federal, State, or local law enforcement or
18 correctional agencies; or (2) any unit of federal, State, or
19 local government.

20 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
21 92-335, eff. 8-10-01.)".