

1 AN ACT concerning arrest records.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Records Act is amended by changing  
5 Sections 4a and 17 as follows:

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest records and 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.

17 (4) The name of the investigating or arresting law  
18 enforcement agency.

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

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

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

7 (1) interfere with pending or actually and reasonably  
8 contemplated law enforcement proceedings conducted by any  
9 law enforcement or correctional agency;

10 (2) endanger the life or physical safety of law  
11 enforcement or correctional personnel or any other person;  
12 or

13 (3) compromise the security of any correctional  
14 facility.

15 (c) For the purposes of this Section, the term "news media"  
16 means personnel of a newspaper or other periodical issued at  
17 regular intervals whether in print or electronic format, a news  
18 service whether in print or electronic format, a radio station,  
19 a television station, a television network, a community antenna  
20 television service, or a person or corporation engaged in  
21 making news reels or other motion picture news for public  
22 showing.

23 (d) Each law enforcement or correctional agency may charge  
24 fees for arrest records, but in no instance may the fee exceed  
25 the actual cost of copying and reproduction. The fees may not  
26 include the cost of the labor used to reproduce the arrest

1 record.

2 (e) The provisions of this Section do not supersede the  
3 confidentiality provisions for arrest records of the Juvenile  
4 Court Act of 1987.

5 (f) All information, including photographs, made available  
6 under this Section is subject to the provisions of Section 2000  
7 of the Consumer Fraud and Deceptive Business Practices Act.

8 (Source: P.A. 98-555, eff. 1-1-14.)

9 (5 ILCS 160/17) (from Ch. 116, par. 43.20)

10 Sec. 17. (a) Regardless of other authorization to the  
11 contrary, except as otherwise provided in subsection (b) of  
12 this Section, no record shall be disposed of by any agency of  
13 the State, unless approval of the State Records Commission is  
14 first obtained. The Commission shall issue regulations, not  
15 inconsistent with this Act, which shall be binding on all  
16 agencies. Such regulations shall establish procedures for  
17 compiling and submitting to the Commission lists and schedules  
18 of records proposed for disposal; procedures for the physical  
19 destruction or other disposition of records proposed for  
20 disposal; and standards for the reproduction of records by  
21 digital, photographic, or microphotographic processes with the  
22 view to the disposal of the original records. Such standards  
23 shall relate to the electronic digital process and format,  
24 quality of film used, preparation of the records for  
25 reproduction, proper identification matter on the records so

1 that an individual document or series of documents can be  
2 located on the film or electronic medium with reasonable  
3 facility, and that the copies contain all significant record  
4 detail, to the end that the photographic, microphotographic, or  
5 digital copies will be adequate.

6 Such regulations shall also provide that the State  
7 archivist may retain any records which the Commission has  
8 authorized to be destroyed, where they have a historical value,  
9 and that the State archivist may deposit them in the State  
10 Archives or State Historical Library or with a historical  
11 society, museum or library.

12 (b) Upon request from a chief of police, county sheriff, or  
13 State's Attorney, if a person has been arrested for a criminal  
14 offense and an investigation reveals that the person arrested  
15 was not in fact the individual the arresting officer believed  
16 him or her to be, the law enforcement agency whose officers  
17 made the arrest shall delete or retract the arrest records of  
18 that person whom the investigation revealed as not the  
19 individual the arresting officer believed him or her to be. In  
20 this subsection (b):

21 "Arrest records" are as described in Section 4a of this  
22 Act.

23 "Law enforcement agency" means an agency of this State  
24 which is vested by law or ordinance with the duty to  
25 maintain public order and to enforce criminal laws or  
26 ordinances.

1 (Source: P.A. 92-866, eff. 1-3-03.)

2 Section 10. The Local Records Act is amended by changing  
3 Sections 3b and 4 as follows:

4 (50 ILCS 205/3b)

5 Sec. 3b. Arrest records and reports.

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

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

12 (2) Information detailing any charges relating to the  
13 arrest.

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

15 (4) The name of the investigating or arresting law  
16 enforcement agency.

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

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

22 (b) The information required by this Section must be made  
23 available to the news media for inspection and copying as soon  
24 as practicable, but in no event shall the time period exceed 72

1 hours from the arrest. The information described in paragraphs  
2 (3), (4), (5), and (6) of subsection (a), however, may be  
3 withheld if it is determined that disclosure would:

4 (1) interfere with pending or actually and reasonably  
5 contemplated law enforcement proceedings conducted by any  
6 law enforcement or correctional agency;

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

10 (3) compromise the security of any correctional  
11 facility.

12 (c) For the purposes of this Section the term "news media"  
13 means personnel of a newspaper or other periodical issued at  
14 regular intervals whether in print or electronic format, a news  
15 service whether in print or electronic format, a radio station,  
16 a television station, a television network, a community antenna  
17 television service, or a person or corporation engaged in  
18 making news reels or other motion picture news for public  
19 showing.

20 (d) Each law enforcement or correctional agency may charge  
21 fees for arrest records, but in no instance may the fee exceed  
22 the actual cost of copying and reproduction. The fees may not  
23 include the cost of the labor used to reproduce the arrest  
24 record.

25 (e) The provisions of this Section do not supersede the  
26 confidentiality provisions for arrest records of the Juvenile

1 Court Act of 1987.

2 (f) All information, including photographs, made available  
3 under this Section is subject to the provisions of Section 2000  
4 of the Consumer Fraud and Deceptive Business Practices Act.

5 (Source: P.A. 98-555, eff. 1-1-14.)

6 (50 ILCS 205/4) (from Ch. 116, par. 43.104)

7 Sec. 4. (a) Except as otherwise provided in subsection (b)  
8 of this Section, all ~~All~~ public records made or received by, or  
9 under the authority of, or coming into the custody, control or  
10 possession of any officer or agency shall not be mutilated,  
11 destroyed, transferred, removed or otherwise damaged or  
12 disposed of, in whole or in part, except as provided by law.  
13 Any person who knowingly, without lawful authority and with the  
14 intent to defraud any party, public officer, or entity, alters,  
15 destroys, defaces, removes, or conceals any public record  
16 commits a Class 4 felony.

17 Court records filed with the clerks of the Circuit Court  
18 shall be destroyed in accordance with the Supreme Court's  
19 General Administrative Order on Recordkeeping in the Circuit  
20 Courts. The clerks of the Circuit Courts shall notify the  
21 Supreme Court, in writing, specifying case records or other  
22 documents which they intend to destroy. The Supreme Court shall  
23 review the schedule of items to be destroyed and notify the  
24 appropriate Local Records Commission of the Court's intent to  
25 destroy such records. The Local Records Commission, within 90

1 days after receipt of the Supreme Court's notice, may undertake  
2 to photograph, microphotograph, or digitize electronically any  
3 or all such records and documents, or, in the alternative, may  
4 transport such original records to the State Archives or other  
5 storage location under its supervision.

6 The Archivist may accept for deposit in the State Archives  
7 or regional depositories official papers, drawings, maps,  
8 writings and records of every description of counties,  
9 municipal corporations, political subdivisions and courts of  
10 this State, when such materials are deemed by the Archivist to  
11 have sufficient historical or other value to warrant their  
12 continued preservation by the State of Illinois.

13 The officer or clerk depositing such records may, upon  
14 request, obtain from the Archivist, without charge, a certified  
15 copy or reproduction of any specific record, paper or document  
16 when such record, paper or document is required for public use.

17 (b) Upon request from a chief of police, county sheriff, or  
18 State's Attorney, if a person has been arrested for a criminal  
19 offense and an investigation reveals that the person arrested  
20 was not in fact the individual the arresting officer believed  
21 him or her to be, the law enforcement agency whose officers  
22 made the arrest shall delete or retract the arrest records of  
23 that person whom the investigation revealed as not the  
24 individual the arresting officer believed him or her to be. In  
25 this subsection (b):

26 "Arrest records" are as described in Section 3b of this

1       Act.

2               "Law enforcement agency" means an agency of a unit of  
3               local government which is vested by law or ordinance with  
4               the duty to maintain public order and to enforce criminal  
5               laws or ordinances.

6       (Source: P.A. 98-1063, eff. 1-1-15.)