

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.)