

HB0248



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0248

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

5 ILCS 120/3

from Ch. 102, par. 43

Amends the Open Meetings Act. Provides that the court may declare null and void any final action taken at a closed or open meeting (instead of only a closed meeting) in violation of the Act. Effective immediately.

LRB099 04859 JLK 24888 b

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 3 as follows:

6 (5 ILCS 120/3) (from Ch. 102, par. 43)

7 Sec. 3. (a) Where the provisions of this Act are not
8 complied with, or where there is probable cause to believe that
9 the provisions of this Act will not be complied with, any
10 person, including the State's Attorney of the county in which
11 such noncompliance may occur, may bring a civil action in the
12 circuit court for the judicial circuit in which the alleged
13 noncompliance has occurred or is about to occur, or in which
14 the affected public body has its principal office, prior to or
15 within 60 days of the meeting alleged to be in violation of
16 this Act or, if facts concerning the meeting are not discovered
17 within the 60-day period, within 60 days of the discovery of a
18 violation by the State's Attorney.

19 Records that are obtained by a State's Attorney from a
20 public body for purposes of reviewing whether the public body
21 has complied with this Act may not be disclosed to the public.
22 Those records, while in the possession of the State's Attorney,
23 are exempt from disclosure under the Freedom of Information

1 Act.

2 (b) In deciding such a case the court may examine in camera
3 any portion of the minutes of a meeting at which a violation of
4 the Act is alleged to have occurred, and may take such
5 additional evidence as it deems necessary.

6 (c) The court, having due regard for orderly administration
7 and the public interest, as well as for the interests of the
8 parties, may grant such relief as it deems appropriate,
9 including granting a relief by mandamus requiring that a
10 meeting be open to the public, granting an injunction against
11 future violations of this Act, ordering the public body to make
12 available to the public such portion of the minutes of a
13 meeting as is not authorized to be kept confidential under this
14 Act, or declaring null and void any final action taken at a
15 closed or open meeting in violation of this Act.

16 (d) The court may assess against any party, except a
17 State's Attorney, reasonable attorney's fees and other
18 litigation costs reasonably incurred by any other party who
19 substantially prevails in any action brought in accordance with
20 this Section, provided that costs may be assessed against any
21 private party or parties bringing an action pursuant to this
22 Section only upon the court's determination that the action is
23 malicious or frivolous in nature.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.