

HB4630



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4630

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Requires that any and all available minutes and verbatim recordings of meetings closed to the public prior to a newly elected official's term in a public body shall be available to that official for review, regardless of whether those minutes or verbatim recordings are confidential. Effective immediately.

LRB099 19027 RJF 43416 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 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes; right to speak.

8 (a) All public bodies shall keep written minutes of all
9 their meetings, whether open or closed, and a verbatim record
10 of all their closed meetings in the form of an audio or video
11 recording. Minutes shall include, but need not be limited to:

12 (1) the date, time and place of the meeting;

13 (2) the members of the public body recorded as either
14 present or absent and whether the members were physically
15 present or present by means of video or audio conference;
16 and

17 (3) a summary of discussion on all matters proposed,
18 deliberated, or decided, and a record of any votes taken.

19 (b) A public body shall approve the minutes of its open
20 meeting within 30 days after that meeting or at the public
21 body's second subsequent regular meeting, whichever is later.
22 The minutes of meetings open to the public shall be available
23 for public inspection within 10 days after the approval of such

1 minutes by the public body. Beginning July 1, 2006, at the time
2 it complies with the other requirements of this subsection, a
3 public body that has a website that the full-time staff of the
4 public body maintains shall post the minutes of a regular
5 meeting of its governing body open to the public on the public
6 body's website within 10 days after the approval of the minutes
7 by the public body. Beginning July 1, 2006, any minutes of
8 meetings open to the public posted on the public body's website
9 shall remain posted on the website for at least 60 days after
10 their initial posting.

11 (c) The verbatim record may be destroyed without
12 notification to or the approval of a records commission or the
13 State Archivist under the Local Records Act or the State
14 Records Act no less than 18 months after the completion of the
15 meeting recorded but only after:

16 (1) the public body approves the destruction of a
17 particular recording; and

18 (2) the public body approves minutes of the closed
19 meeting that meet the written minutes requirements of
20 subsection (a) of this Section.

21 (d) Each public body shall periodically, but no less than
22 semi-annually, meet to review minutes of all closed meetings.
23 At such meetings a determination shall be made, and reported in
24 an open session that (1) the need for confidentiality still
25 exists as to all or part of those minutes or (2) that the
26 minutes or portions thereof no longer require confidential

1 treatment and are available for public inspection. The failure
2 of a public body to strictly comply with the semi-annual review
3 of closed session written minutes, whether before or after the
4 effective date of this amendatory Act of the 94th General
5 Assembly, shall not cause the written minutes or related
6 verbatim record to become public or available for inspection in
7 any judicial proceeding, other than a proceeding involving an
8 alleged violation of this Act, if the public body, within 60
9 days of discovering its failure to strictly comply with the
10 technical requirements of this subsection, reviews the closed
11 session minutes and determines and thereafter reports in open
12 session that either (1) the need for confidentiality still
13 exists as to all or part of the minutes or verbatim record, or
14 (2) that the minutes or recordings or portions thereof no
15 longer require confidential treatment and are available for
16 public inspection.

17 (e) Unless the public body has made a determination that
18 the verbatim recording no longer requires confidential
19 treatment or otherwise consents to disclosure, the verbatim
20 record of a meeting closed to the public shall not be open for
21 public inspection or subject to discovery in any administrative
22 or judicial proceeding other than one brought to enforce this
23 Act. In the case of a civil action brought to enforce this Act,
24 the court, if the judge believes such an examination is
25 necessary, must conduct such in camera examination of the
26 verbatim record as it finds appropriate in order to determine

1 whether there has been a violation of this Act. In the case of
2 a criminal proceeding, the court may conduct an examination in
3 order to determine what portions, if any, must be made
4 available to the parties for use as evidence in the
5 prosecution. Any such initial inspection must be held in
6 camera. If the court determines that a complaint or suit
7 brought for noncompliance under this Act is valid it may, for
8 the purposes of discovery, redact from the minutes of the
9 meeting closed to the public any information deemed to qualify
10 under the attorney-client privilege. The provisions of this
11 subsection do not supersede the privacy or confidentiality
12 provisions of State or federal law.

13 (f) Minutes of meetings closed to the public shall be
14 available only after the public body determines that it is no
15 longer necessary to protect the public interest or the privacy
16 of an individual by keeping them confidential.

17 (f-5) Any and all available minutes and verbatim recordings
18 of meetings closed to the public prior to a newly elected
19 official's term in a public body shall be available to that
20 official for review, regardless of whether those minutes or
21 verbatim recordings are confidential.

22 (g) Any person shall be permitted an opportunity to address
23 public officials under the rules established and recorded by
24 the public body.

25 (Source: P.A. 96-1473, eff. 1-1-11.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.