



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5683

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

5 ILCS 120/3

from Ch. 102, par. 43

Amends the Open Meetings Act. Provides that where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person may bring a civil action in the circuit court within 60 days of the decision by the Attorney General to resolve a request for review by a means other than the issuance of a binding opinion, if the person timely files a request for review with the Public Access Counselor. Effective immediately.

LRB099 20544 RJF 45093 b

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 or, if the person timely
19 files a request for review under Section 3.5, within 60 days of
20 the decision by the Attorney General to resolve a request for
21 review by a means other than the issuance of a binding opinion
22 under subsection (e) of Section 3.5.

23 Records that are obtained by a State's Attorney from a

1 public body for purposes of reviewing whether the public body
2 has complied with this Act may not be disclosed to the public.
3 Those records, while in the possession of the State's Attorney,
4 are exempt from disclosure under the Freedom of Information
5 Act.

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

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

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

1 malicious or frivolous in nature.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.