

AN ACT concerning government.

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

Section 1. Short title. This Act may be cited as the Empowering Public Participation Act.

Section 5. Definitions. As used in this Act:

"Background check" means a criminal history check using the Law Enforcement Agencies Data System (LEADS).

"Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State.

"Open meeting" has the meaning provided in Section 2 of the Open Meetings Act.

"Public body" has the meaning provided in Section 1.02 of the Open Meetings Act, and also includes police disciplinary boards.

Section 10. Background checks on speakers prohibited.

(a) A law enforcement agency or an officer employed by a law enforcement agency may not knowingly and intentionally conduct a background check of a person for the sole reason of that person speaking at an open meeting of a public body,

including police disciplinary boards.

(b) Subsection (a) does not apply: whenever an agency or officer develops a reasonable suspicion of criminal conduct or a reasonable suspicion of a threat to security for the premises in which the meeting is to occur or for the protection of public officials and other persons attending the meeting; and whenever the person speaking at an open meeting of the public body is also under consideration for appointment to a government position by that public body.

(c) This Act creates no claims for damages or other relief for violations of this Act.

Section 15. Penalty. A violation of subsection (a) of Section 10 is a Class C misdemeanor.

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