

AN ACT concerning arrest records.

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

Section 5. The State Records Act is amended by changing Sections 4a and 17 as follows:

(5 ILCS 160/4a)

Sec. 4a. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;
or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest

record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2000 of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 98-555, eff. 1-1-14.)

(5 ILCS 160/17) (from Ch. 116, par. 43.20)

Sec. 17. (a) Regardless of other authorization to the contrary, except as otherwise provided in subsection (b) of this Section, no record shall be disposed of by any agency of the State, unless approval of the State Records Commission is first obtained. The Commission shall issue regulations, not inconsistent with this Act, which shall be binding on all agencies. Such regulations shall establish procedures for compiling and submitting to the Commission lists and schedules of records proposed for disposal; procedures for the physical destruction or other disposition of records proposed for disposal; and standards for the reproduction of records by digital, photographic, or microphotographic processes with the view to the disposal of the original records. Such standards shall relate to the electronic digital process and format, quality of film used, preparation of the records for reproduction, proper identification matter on the records so

that an individual document or series of documents can be located on the film or electronic medium with reasonable facility, and that the copies contain all significant record detail, to the end that the photographic, microphotographic, or digital copies will be adequate.

Such regulations shall also provide that the State archivist may retain any records which the Commission has authorized to be destroyed, where they have a historical value, and that the State archivist may deposit them in the State Archives or State Historical Library or with a historical society, museum or library.

(b) Upon request from a chief of police, county sheriff, or State's Attorney, if a person has been arrested for a criminal offense and an investigation reveals that the person arrested was not in fact the individual the arresting officer believed him or her to be, the law enforcement agency whose officers made the arrest shall delete or retract the arrest records of that person whom the investigation revealed as not the individual the arresting officer believed him or her to be. In this subsection (b):

"Arrest records" are as described in Section 4a of this Act.

"Law enforcement agency" means an agency of this State which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

(Source: P.A. 92-866, eff. 1-3-03.)

Section 10. The Local Records Act is amended by changing Sections 3b and 4 as follows:

(50 ILCS 205/3b)

Sec. 3b. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72

hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;
or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile

Court Act of 1987.

(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2000 of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 98-555, eff. 1-1-14.)

(50 ILCS 205/4) (from Ch. 116, par. 43.104)

Sec. 4. (a) Except as otherwise provided in subsection (b) of this Section, all ~~All~~ public records made or received by, or under the authority of, or coming into the custody, control or possession of any officer or agency shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony.

Court records filed with the clerks of the Circuit Court shall be destroyed in accordance with the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts. The clerks of the Circuit Courts shall notify the Supreme Court, in writing, specifying case records or other documents which they intend to destroy. The Supreme Court shall review the schedule of items to be destroyed and notify the appropriate Local Records Commission of the Court's intent to destroy such records. The Local Records Commission, within 90

days after receipt of the Supreme Court's notice, may undertake to photograph, microphotograph, or digitize electronically any or all such records and documents, or, in the alternative, may transport such original records to the State Archives or other storage location under its supervision.

The Archivist may accept for deposit in the State Archives or regional depositories official papers, drawings, maps, writings and records of every description of counties, municipal corporations, political subdivisions and courts of this State, when such materials are deemed by the Archivist to have sufficient historical or other value to warrant their continued preservation by the State of Illinois.

The officer or clerk depositing such records may, upon request, obtain from the Archivist, without charge, a certified copy or reproduction of any specific record, paper or document when such record, paper or document is required for public use.

(b) Upon request from a chief of police, county sheriff, or State's Attorney, if a person has been arrested for a criminal offense and an investigation reveals that the person arrested was not in fact the individual the arresting officer believed him or her to be, the law enforcement agency whose officers made the arrest shall delete or retract the arrest records of that person whom the investigation revealed as not the individual the arresting officer believed him or her to be. In this subsection (b):

"Arrest records" are as described in Section 3b of this

Act.

"Law enforcement agency" means an agency of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

(Source: P.A. 98-1063, eff. 1-1-15.)