



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5235

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
210 ILCS 28/30
210 ILCS 135/14

Amends the Freedom of Information Act. Deletes language making records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act exempt from inspection and copying. Deletes language making records and information provided to an independent team of experts under Brian's Law (which is the Developmental Disability and Mental Health Safety Act) exempt from inspection and copying. Makes corresponding changes in the Abuse Prevention Review Team Act. Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that, notwithstanding any other provision of law, all investigative reports made by the Office of Inspector General regarding community-integrated living arrangements and individuals living in community-integrated living arrangements shall be available to the public for inspection and copying under the Freedom of Information Act and any addresses of community-integrated living arrangements in those reports shall be disclosed and may not be redacted.

LRB100 18730 HEP 33964 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 100-512 and
8 100-517)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other records
21 prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

1 (d) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

7 (e) Information the disclosure of which is exempted
8 under Section 30 of the Radon Industry Licensing Act.

9 (f) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (g) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

15 (h) Information the disclosure of which is exempted
16 under the State Officials and Employees Ethics Act, and
17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

21 (i) Information contained in a local emergency energy
22 plan submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under
24 Section 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

2 (k) Law enforcement officer identification information
3 or driver identification information compiled by a law
4 enforcement agency or the Department of Transportation
5 under Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

10 (m) Information provided to the predatory lending
11 database created pursuant to Article 3 of the Residential
12 Real Property Disclosure Act, except to the extent
13 authorized under that Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the Capital
17 Crimes Litigation Act. This subsection (n) shall apply
18 until the conclusion of the trial of the case, even if the
19 prosecution chooses not to pursue the death penalty prior
20 to trial or sentencing.

21 (o) Information that is prohibited from being
22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Records Review Act.

7 (r) Information prohibited from being disclosed by the
8 Illinois School Student Records Act.

9 (s) Information the disclosure of which is restricted
10 under Section 5-108 of the Public Utilities Act.

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained in,
13 stored in, submitted to, transferred by, or released from
14 the Illinois Health Information Exchange, and identified
15 or deidentified health information in the form of health
16 data and medical records of the Illinois Health Information
17 Exchange in the possession of the Illinois Health
18 Information Exchange Authority due to its administration
19 of the Illinois Health Information Exchange. The terms
20 "identified" and "deidentified" shall be given the same
21 meaning as in the Health Insurance Portability and
22 Accountability Act of 1996, Public Law 104-191, or any
23 subsequent amendments thereto, and any regulations
24 promulgated thereunder.

25 (u) Records and information provided to an independent
26 team of experts under Brian's Law.

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed Carry
8 Licensing Review Board under the Firearm Concealed Carry
9 Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) ~~(ff)~~ Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) ~~(ff)~~ Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) ~~(ff)~~ Information which is exempted from
23 disclosure under Section 2505-800 of the Department of
24 Revenue Law of the Civil Administrative Code of Illinois.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
26 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;

1 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
3 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

4 (Text of Section after amendment by P.A. 100-517 but before
5 amendment by P.A. 100-512)

6 Sec. 7.5. Statutory exemptions. To the extent provided for
7 by the statutes referenced below, the following shall be exempt
8 from inspection and copying:

9 (a) All information determined to be confidential
10 under Section 4002 of the Technology Advancement and
11 Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library
14 Records Confidentiality Act.

15 (c) Applications, related documents, and medical
16 records received by the Experimental Organ Transplantation
17 Procedures Board and any and all documents or other records
18 prepared by the Experimental Organ Transplantation
19 Procedures Board or its staff relating to applications it
20 has received.

21 (d) Information and records held by the Department of
22 Public Health and its authorized representatives relating
23 to known or suspected cases of sexually transmissible
24 disease or any information the disclosure of which is
25 restricted under the Illinois Sexually Transmissible

1 Disease Control Act.

2 (e) Information the disclosure of which is exempted
3 under Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of
5 the Architectural, Engineering, and Land Surveying
6 Qualifications Based Selection Act.

7 (g) Information the disclosure of which is restricted
8 and exempted under Section 50 of the Illinois Prepaid
9 Tuition Act.

10 (h) Information the disclosure of which is exempted
11 under the State Officials and Employees Ethics Act, and
12 records of any lawfully created State or local inspector
13 general's office that would be exempt if created or
14 obtained by an Executive Inspector General's office under
15 that Act.

16 (i) Information contained in a local emergency energy
17 plan submitted to a municipality in accordance with a local
18 emergency energy plan ordinance that is adopted under
19 Section 11-21.5-5 of the Illinois Municipal Code.

20 (j) Information and data concerning the distribution
21 of surcharge moneys collected and remitted by carriers
22 under the Emergency Telephone System Act.

23 (k) Law enforcement officer identification information
24 or driver identification information compiled by a law
25 enforcement agency or the Department of Transportation
26 under Section 11-212 of the Illinois Vehicle Code.

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2 health care facility resident sexual assault and death
3 review team or the Executive Council under the Abuse
4 Prevention Review Team Act.

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6 database created pursuant to Article 3 of the Residential
7 Real Property Disclosure Act, except to the extent
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10 compensation and expenses for court appointed trial
11 counsel as provided under Sections 10 and 15 of the Capital
12 Crimes Litigation Act. This subsection (n) shall apply
13 until the conclusion of the trial of the case, even if the
14 prosecution chooses not to pursue the death penalty prior
15 to trial or sentencing.

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17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

19 (p) Security portions of system safety program plans,
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22 Regional Transportation Authority under Section 2.11 of
23 the Regional Transportation Authority Act or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act.

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2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

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5 under Section 5-108 of the Public Utilities Act.

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7 in the form of health data or medical records contained in,
8 stored in, submitted to, transferred by, or released from
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10 or deidentified health information in the form of health
11 data and medical records of the Illinois Health Information
12 Exchange in the possession of the Illinois Health
13 Information Exchange Authority due to its administration
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15 "identified" and "deidentified" shall be given the same
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23 for or received Firearm Owner's Identification Cards under
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25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed Carry
3 Licensing Review Board under the Firearm Concealed Carry
4 Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

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15 information about the identity and administrative finding
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17 decision of abuse, neglect, or financial exploitation of an
18 eligible adult maintained in the Registry established
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10 (ff) Information that is exempted from disclosure
11 under the Revised Uniform Unclaimed Property Act.

12 (gg) ~~(ff)~~ Information that is prohibited from being
13 disclosed under Section 7-603.5 of the Illinois Vehicle
14 Code.

15 (hh) ~~(ff)~~ Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

17 (ii) ~~(ff)~~ Information which is exempted from
18 disclosure under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (jj) ~~(ff)~~ Information and reports that are required to
21 be submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
26 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;

1 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
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1 (1) (Blank). ~~Records and information provided to a~~
2 ~~residential health care facility resident sexual assault~~
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21 review team or the Illinois Fatality Review Team Advisory
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10 (ff) Information that is exempted from disclosure
11 under the Revised Uniform Unclaimed Property Act.

12 (gg) ~~(ff)~~ Information that is prohibited from being
13 disclosed under Section 7-603.5 of the Illinois Vehicle
14 Code.

15 (hh) ~~(ff)~~ Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

17 (ii) ~~(ff)~~ Information which is exempted from
18 disclosure under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (jj) ~~(ff)~~ Information and reports that are required to
21 be submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (kk) ~~(ff)~~ Information prohibited from disclosure under
26 the Seizure and Forfeiture Reporting Act.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
2 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
3 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
4 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
5 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
6 eff. 6-1-18; revised 11-2-17.)

7 Section 10. The Abuse Prevention Review Team Act is amended
8 by changing Section 30 as follows:

9 (210 ILCS 28/30)

10 Sec. 30. Public access to information.

11 (a) Meetings of the review teams and the Executive Council
12 shall be closed to the public. Meetings of the review teams and
13 the Executive Council are not subject to the Open Meetings Act,
14 as provided in that Act.

15 (b) Records and information provided to a review team and
16 the Executive Council, and records maintained by a review team
17 or the Executive Council, are confidential ~~and not subject to~~
18 ~~the Freedom of Information Act, as provided in that Act.~~
19 Nothing contained in this subsection (b) prevents the sharing
20 or disclosure of records, other than those produced by a review
21 team or the Executive Council, relating or pertaining to the
22 sexual assault or death of a resident.

23 (c) Members of a review team and the Executive Council are
24 not subject to examination, in any civil or criminal

1 proceeding, concerning information presented to members of the
2 review team or the Executive Council or opinions formed by
3 members of the review team or the Executive Council based on
4 that information. A person may, however, be examined concerning
5 information provided to a review team or the Executive Council
6 that is otherwise available to the public.

7 (d) Records and information produced by a review team and
8 the Executive Council are not subject to discovery or subpoena
9 and are not admissible as evidence in any civil or criminal
10 proceeding. Those records and information are, however,
11 subject to discovery or a subpoena, and are admissible as
12 evidence, to the extent they are otherwise available to the
13 public.

14 (Source: P.A. 93-577, eff. 8-21-03.)

15 Section 15. The Community-Integrated Living Arrangements
16 Licensure and Certification Act is amended by changing Section
17 14 as follows:

18 (210 ILCS 135/14)

19 Sec. 14. Transparency for individuals and guardians. By
20 October 1, 2011, the Department shall make available to
21 individuals and guardians upon enrollment a document listing
22 telephone numbers and other contact information to report
23 suspected cases of abuse, neglect, or exploitation. The
24 information provided shall include a delineation of the

1 individuals' rights. By July 1, 2012, the Department shall make
2 available through its website information on each agency
3 regarding licensure and quality assurance survey results;
4 licensure and contract status; and substantiated findings of
5 abuse, egregious neglect, and exploitation. The Department
6 shall adopt rules regarding the posting of this information and
7 shall inform individuals and guardians of its availability
8 during the initial provider selection process.

9 Notwithstanding any other provision of law, all
10 investigative reports made by the Office of Inspector General
11 regarding community-integrated living arrangements and
12 individuals living in community-integrated living arrangements
13 shall be available to the public for inspection and copying
14 under the Freedom of Information Act and any addresses of
15 community-integrated living arrangements in those reports
16 shall be disclosed and may not be redacted.

17 (Source: P.A. 97-441, eff. 8-19-11.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.