



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0535

Introduced 2/8/2007, by Sen. Kirk W. Dillard - Randall "Randy"
M. Hultgren

SYNOPSIS AS INTRODUCED:

75 ILCS 70/1

from Ch. 81, par. 1201

Amends the Library Records Confidentiality Act. Sets forth procedures under which a library may publish or make any information contained in its records available to the public if the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. Provides that these procedures shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law. Provides that the disclosure of information under these provisions does not constitute a privacy violation or a breach of confidentiality.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning libraries.

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

4 Section 5. The Library Records Confidentiality Act is
5 amended by changing Section 1 as follows:

6 (75 ILCS 70/1) (from Ch. 81, par. 1201)

7 Sec. 1. (a) The registration and circulation records of a
8 library are confidential information. ~~Except pursuant to a~~
9 ~~court order,~~ No person shall publish or make any information
10 contained in such records available to the public unless:

11 (1) required to do so under a court order; or

12 (2) the information is requested by a sworn law
13 enforcement officer who represents that it is impractical
14 to secure a court order as a result of an emergency where
15 the law enforcement officer has probable cause to believe
16 that there is an imminent danger of physical harm. The
17 information requested must be limited to identifying a
18 suspect, witness, or victim of a crime. The information
19 requested without a court order may not include the
20 disclosure of registration or circulation records that
21 would indicate materials borrowed, resources reviewed, or
22 services used at the library. If requested to do so by the
23 library, the requesting law enforcement officer must sign a

1 form acknowledging the receipt of the information. A
2 library providing the information may seek subsequent
3 judicial review to assess compliance with this Section.

4 This subsection shall not alter any right to challenge the
5 use or dissemination of patron information that is otherwise
6 permitted by law.

7 (b) This Section does not prevent a library from publishing
8 or making available to the public reasonable statistical
9 reports regarding library registration and book circulation
10 where those reports are presented so that no individual is
11 identified therein.

12 (b-5) Nothing in this Section shall be construed as a
13 privacy violation or a breach of confidentiality if a library
14 provides information to a law enforcement officer under item
15 (2) of subsection (a).

16 (c) For the purpose of this Section, (i) "library" means
17 any public library or library of an educational, historical or
18 eleemosynary institution, organization or society; (ii)
19 "registration records" includes any information a library
20 requires a person to provide in order for that person to become
21 eligible to borrow books and other materials and (iii)
22 "circulation records" includes all information identifying the
23 individual borrowing particular books or materials.

24 (Source: P.A. 83-179.)