

1 AN ACT concerning the judiciary, which may be referred to
2 as the Michael Lefkow and Donna Humphrey Judicial Privacy
3 Improvement Act of 2012.

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

6 ARTICLE I. GENERAL PROVISIONS

7 Section 1-1. Short title. This Act may be cited as the
8 Judicial Privacy Act.

9 Section 1-5. Purpose. The purpose of this Act is to improve
10 the safety and security of Illinois judicial officers to ensure
11 they are able to administer justice fairly without fear of
12 personal reprisal from individuals affected by the decisions
13 they make in the course of carrying out their public function.

14 This Act is not intended to restrain a judicial officer
15 from independently making public his or her own personal
16 information. Additionally, no government agency, person,
17 business, or association has any obligation under this Act to
18 protect the privacy of a judicial officer's personal
19 information until the judicial officer makes a written request
20 that his or her personal information not be publicly posted.

21 Nothing in this Act shall be construed to impair free
22 access to decisions and opinions expressed by judicial officers

1 in the course of carrying out their public functions.

2 Section 1-10. Definitions. As used in this Act:

3 "Government agency" includes all agencies, authorities,
4 boards, commissions, departments, institutions, offices, and
5 any other bodies politic and corporate of the State created by
6 the constitution or statute, whether in the executive,
7 judicial, or legislative branch; all units and corporate
8 outgrowths created by executive order of the Governor or any
9 constitutional officer, by the Supreme Court, or by resolution
10 of the General Assembly; or agencies, authorities, boards,
11 commissions, departments, institutions, offices, and any other
12 bodies politic and corporate of a unit of local government, or
13 school district.

14 "Home address" includes a judicial officer's permanent
15 residence and any secondary residences affirmatively
16 identified by the judicial officer, but does not include a
17 judicial officer's work address.

18 "Immediate family" includes a judicial officer's spouse,
19 child, parent, or any blood relative of the judicial officer or
20 the judicial officer's spouse who lives in the same residence.

21 "Judicial officer" includes:

22 (1) Justices of the United States Supreme Court and the
23 Illinois Supreme Court;

24 (2) Judges of the United States Court of Appeals;

25 (3) Judges and magistrate judges of the United States

1 District Court;

2 (4) Judges of the United States Bankruptcy Court;

3 (5) Judges of the Illinois Appellate Court; and

4 (6) Judges and associate judges of the Illinois Circuit
5 Courts.

6 "Personal information" means a home address, home
7 telephone number, mobile telephone number, pager number,
8 personal email address, social security number, federal tax
9 identification number, checking and savings account numbers,
10 credit card numbers, marital status, and identity of children
11 under the age of 18.

12 "Publicly available content" means any written, printed,
13 or electronic document or record that provides information or
14 that serves as a document or record maintained, controlled, or
15 in the possession of a government agency that may be obtained
16 by any person or entity, from the Internet, from the government
17 agency upon request either free of charge or for a fee, or in
18 response to a request under the Freedom of Information Act.

19 "Publicly post" or "publicly display" means to communicate
20 to another or otherwise make available to the general public.

21 "Written request" means written notice signed by a judicial
22 officer or a representative of the judicial officer's employer
23 requesting a government agency, person, business, or
24 association to refrain from posting or displaying publicly
25 available content that includes the judicial officer's
26 personal information.

1 ARTICLE II. CIVIL PROVISIONS

2 Section 2-1. Publicly posting or displaying a judicial
3 officer's personal information by government agencies.

4 (a) Government agencies shall not publicly post or display
5 publicly available content that includes a judicial officer's
6 personal information, provided that the government agency has
7 received a written request in accordance with Section 2-10 of
8 this Act that it refrain from disclosing the judicial officer's
9 personal information. After a government agency has received a
10 written request, that agency shall remove the judicial
11 officer's personal information from publicly available content
12 within 5 business days. After the government agency has removed
13 the judicial officer's personal information from publicly
14 available content, the agency shall not publicly post or
15 display the information and the judicial officer's personal
16 information shall be exempt from the Freedom of Information Act
17 unless the government agency has received consent from the
18 judicial officer to make the personal information available to
19 the public.

20 (b) Redress. If a government agency fails to comply with a
21 written request to refrain from disclosing personal
22 information, the judicial officer may bring an action seeking
23 injunctive or declaratory relief in any court of competent
24 jurisdiction.

1 Section 2-5. Publicly posting a judicial officer's
2 personal information on the Internet by persons, businesses,
3 and associations.

4 (a) Prohibited Conduct.

5 (1) All persons, businesses, and associations shall
6 refrain from publicly posting or displaying on the Internet
7 publicly available content that includes a judicial
8 officer's personal information, provided that the judicial
9 officer has made a written request to the person, business,
10 or association that it refrain from disclosing the personal
11 information.

12 (2) No person, business, or association shall solicit,
13 sell, or trade on the Internet a judicial officer's
14 personal information with the intent to pose an imminent
15 and serious threat to the health and safety of the judicial
16 officer or the judicial officer's immediate family.

17 (3) This subsection includes, but is not limited to,
18 Internet phone directories, Internet search engines,
19 Internet data aggregators, and Internet service providers.

20 (b) Required Conduct.

21 (1) After a person, business, or association has
22 received a written request from a judicial officer to
23 protect the privacy of the officer's personal information,
24 that person, business, or association shall have 72 hours
25 to remove the personal information from the Internet.

1 (2) After a person, business, or association has
2 received a written request from a judicial officer, that
3 person, business, or association shall ensure that the
4 judicial officer's personal information is not made
5 available on any website or subsidiary website controlled
6 by that person, business, or association.

7 (3) After receiving a judicial officer's written
8 request, no person, business, or association shall
9 transfer the judicial officer's personal information to
10 any other person, business, or association through any
11 medium.

12 (c) Redress.

13 A judicial officer whose personal information is made
14 public as a result of a violation of this Act may bring an
15 action seeking injunctive or declaratory relief in any
16 court of competent jurisdiction. If the court grants
17 injunctive or declaratory relief, the person, business, or
18 association responsible for the violation shall be
19 required to pay the judicial officer's costs and reasonable
20 attorney's fees.

21 Section 2-10. Procedure for completing a written request.

22 (a) Requirement that a judicial officer make a written
23 request. No government agency, person, business, or
24 association shall be found to have violated any provision of
25 this Act if the judicial officer fails to submit a written

1 request calling for the protection of the officer's personal
2 information.

3 (b) Written request procedure. A written request shall be
4 valid if:

5 (1) The judicial officer sends a written request
6 directly to a government agency, person, business, or
7 association; or

8 (2) If the Administrative Office of the Illinois Courts
9 has a policy and procedure for a state judicial officer to
10 file the written request with the Administrative Office to
11 notify government agencies, the state judicial officer may
12 send the written request to the Administrative Office of
13 the Illinois Courts. In each quarter of a calendar year,
14 the Administrative Office of the Illinois Courts shall
15 provide a list of all state judicial officers who have
16 submitted a written request to it, to the appropriate
17 officer with ultimate supervisory authority for a
18 government agency. The officer shall promptly provide a
19 copy of the list to any and all government agencies under
20 his or her supervision. Receipt of the written request list
21 compiled by the Administrative Office of the Illinois
22 Courts by a government agency shall constitute a written
23 request to that Agency for the purposes of this Act.

24 (c) A representative from the judicial officer's employer
25 may submit a written request on the judicial officer's behalf,
26 provided that the judicial officer gives written consent to the

1 representative and provided that the representative agrees to
2 furnish a copy of that consent when a written request is made.
3 The representative shall submit the written request as provided
4 in subsection (b) of this Section.

5 (d) Information to be included in the written request.

6 A judicial officer's written request shall specify
7 what personal information shall be maintained private.

8 If a judicial officer wishes to identify a secondary
9 residence as a home address as that term is defined in this
10 Act, the designation shall be made in the written request.

11 A judicial officer shall disclose the identity of the
12 officer's immediate family and indicate that the personal
13 information of these family members shall also be excluded
14 to the extent that it could reasonably be expected to
15 reveal the personal information of the judicial officer.

16 (e) Duration of the written request.

17 A judicial officer's written request is valid until the
18 judicial officer provides the government agency, person,
19 business, or association with written permission to
20 release the private information. A judicial officer's
21 written request expires on death.

22 ARTICLE III. CRIMINAL PROVISIONS

23 Section 3-1. Unlawful publication of personal information.
24 It is unlawful for any person to knowingly publicly post on the

1 Internet the personal information of a judicial officer or of
2 the judicial officer's immediate family if the person knows or
3 reasonably should know that publicly posting the personal
4 information poses an imminent and serious threat to the health
5 and safety of the judicial officer or the judicial officer's
6 immediate family, and the violation is a proximate cause of
7 bodily injury or death of the judicial officer or a member of
8 the judicial officer's immediate family. A person who violates
9 this Section is guilty of a Class 3 felony.

10 Section 3-5. Exceptions for employees of government
11 agencies. Provided that the employee of a government agency has
12 complied with the conditions set forth in Article II of this
13 Act, it is not a violation of Section 3-1 if an employee of a
14 government agency publishes personal information, in good
15 faith, on the website of the government agency in the ordinary
16 course of carrying out public functions.

17 ARTICLE IV. MISCELLANEOUS

18 Section 4-1. Construction. This Act and any rules adopted
19 to implement this Act shall be construed broadly to favor the
20 protection of the personal information of judicial officers.

21 Section 4-5. Severability. If any part of this Act or its
22 application to any person or circumstance is adjudged invalid,

1 such adjudication or application shall not affect the validity
2 of this Act as a whole or of any other part.

3 Section 4-10. The Freedom of Information Act is amended by
4 changing Section 7 as follows:

5 (5 ILCS 140/7) (from Ch. 116, par. 207)

6 Sec. 7. Exemptions.

7 (1) When a request is made to inspect or copy a public
8 record that contains information that is exempt from disclosure
9 under this Section, but also contains information that is not
10 exempt from disclosure, the public body may elect to redact the
11 information that is exempt. The public body shall make the
12 remaining information available for inspection and copying.
13 Subject to this requirement, the following shall be exempt from
14 inspection and copying:

15 (a) Information specifically prohibited from
16 disclosure by federal or State law or rules and regulations
17 implementing federal or State law.

18 (b) Private information, unless disclosure is required
19 by another provision of this Act, a State or federal law or
20 a court order.

21 (b-5) Files, documents, and other data or databases
22 maintained by one or more law enforcement agencies and
23 specifically designed to provide information to one or more
24 law enforcement agencies regarding the physical or mental

1 status of one or more individual subjects.

2 (c) Personal information contained within public
3 records, the disclosure of which would constitute a clearly
4 unwarranted invasion of personal privacy, unless the
5 disclosure is consented to in writing by the individual
6 subjects of the information. "Unwarranted invasion of
7 personal privacy" means the disclosure of information that
8 is highly personal or objectionable to a reasonable person
9 and in which the subject's right to privacy outweighs any
10 legitimate public interest in obtaining the information.
11 The disclosure of information that bears on the public
12 duties of public employees and officials shall not be
13 considered an invasion of personal privacy.

14 (d) Records in the possession of any public body
15 created in the course of administrative enforcement
16 proceedings, and any law enforcement or correctional
17 agency for law enforcement purposes, but only to the extent
18 that disclosure would:

19 (i) interfere with pending or actually and
20 reasonably contemplated law enforcement proceedings
21 conducted by any law enforcement or correctional
22 agency that is the recipient of the request;

23 (ii) interfere with active administrative
24 enforcement proceedings conducted by the public body
25 that is the recipient of the request;

26 (iii) create a substantial likelihood that a

1 person will be deprived of a fair trial or an impartial
2 hearing;

3 (iv) unavoidably disclose the identity of a
4 confidential source, confidential information
5 furnished only by the confidential source, or persons
6 who file complaints with or provide information to
7 administrative, investigative, law enforcement, or
8 penal agencies; except that the identities of
9 witnesses to traffic accidents, traffic accident
10 reports, and rescue reports shall be provided by
11 agencies of local government, except when disclosure
12 would interfere with an active criminal investigation
13 conducted by the agency that is the recipient of the
14 request;

15 (v) disclose unique or specialized investigative
16 techniques other than those generally used and known or
17 disclose internal documents of correctional agencies
18 related to detection, observation or investigation of
19 incidents of crime or misconduct, and disclosure would
20 result in demonstrable harm to the agency or public
21 body that is the recipient of the request;

22 (vi) endanger the life or physical safety of law
23 enforcement personnel or any other person; or

24 (vii) obstruct an ongoing criminal investigation
25 by the agency that is the recipient of the request.

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (f) Preliminary drafts, notes, recommendations,
3 memoranda and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record
6 shall not be exempt when the record is publicly cited and
7 identified by the head of the public body. The exemption
8 provided in this paragraph (f) extends to all those records
9 of officers and agencies of the General Assembly that
10 pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial
12 information obtained from a person or business where the
13 trade secrets or commercial or financial information are
14 furnished under a claim that they are proprietary,
15 privileged or confidential, and that disclosure of the
16 trade secrets or commercial or financial information would
17 cause competitive harm to the person or business, and only
18 insofar as the claim directly applies to the records
19 requested.

20 The information included under this exemption includes
21 all trade secrets and commercial or financial information
22 obtained by a public body, including a public pension fund,
23 from a private equity fund or a privately held company
24 within the investment portfolio of a private equity fund as
25 a result of either investing or evaluating a potential
26 investment of public funds in a private equity fund. The

1 exemption contained in this item does not apply to the
2 aggregate financial performance information of a private
3 equity fund, nor to the identity of the fund's managers or
4 general partners. The exemption contained in this item does
5 not apply to the identity of a privately held company
6 within the investment portfolio of a private equity fund,
7 unless the disclosure of the identity of a privately held
8 company may cause competitive harm.

9 Nothing contained in this paragraph (g) shall be
10 construed to prevent a person or business from consenting
11 to disclosure.

12 (h) Proposals and bids for any contract, grant, or
13 agreement, including information which if it were
14 disclosed would frustrate procurement or give an advantage
15 to any person proposing to enter into a contractor
16 agreement with the body, until an award or final selection
17 is made. Information prepared by or for the body in
18 preparation of a bid solicitation shall be exempt until an
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,
21 designs, drawings and research data obtained or produced by
22 any public body when disclosure could reasonably be
23 expected to produce private gain or public loss. The
24 exemption for "computer geographic systems" provided in
25 this paragraph (i) does not extend to requests made by news
26 media as defined in Section 2 of this Act when the

1 requested information is not otherwise exempt and the only
2 purpose of the request is to access and disseminate
3 information regarding the health, safety, welfare, or
4 legal rights of the general public.

5 (j) The following information pertaining to
6 educational matters:

7 (i) test questions, scoring keys and other
8 examination data used to administer an academic
9 examination;

10 (ii) information received by a primary or
11 secondary school, college, or university under its
12 procedures for the evaluation of faculty members by
13 their academic peers;

14 (iii) information concerning a school or
15 university's adjudication of student disciplinary
16 cases, but only to the extent that disclosure would
17 unavoidably reveal the identity of the student; and

18 (iv) course materials or research materials used
19 by faculty members.

20 (k) Architects' plans, engineers' technical
21 submissions, and other construction related technical
22 documents for projects not constructed or developed in
23 whole or in part with public funds and the same for
24 projects constructed or developed with public funds,
25 including but not limited to power generating and
26 distribution stations and other transmission and

1 distribution facilities, water treatment facilities,
2 airport facilities, sport stadiums, convention centers,
3 and all government owned, operated, or occupied buildings,
4 but only to the extent that disclosure would compromise
5 security.

6 (l) Minutes of meetings of public bodies closed to the
7 public as provided in the Open Meetings Act until the
8 public body makes the minutes available to the public under
9 Section 2.06 of the Open Meetings Act.

10 (m) Communications between a public body and an
11 attorney or auditor representing the public body that would
12 not be subject to discovery in litigation, and materials
13 prepared or compiled by or for a public body in
14 anticipation of a criminal, civil or administrative
15 proceeding upon the request of an attorney advising the
16 public body, and materials prepared or compiled with
17 respect to internal audits of public bodies.

18 (n) Records relating to a public body's adjudication of
19 employee grievances or disciplinary cases; however, this
20 exemption shall not extend to the final outcome of cases in
21 which discipline is imposed.

22 (o) Administrative or technical information associated
23 with automated data processing operations, including but
24 not limited to software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation

1 pertaining to all logical and physical design of
2 computerized systems, employee manuals, and any other
3 information that, if disclosed, would jeopardize the
4 security of the system or its data or the security of
5 materials exempt under this Section.

6 (p) Records relating to collective negotiating matters
7 between public bodies and their employees or
8 representatives, except that any final contract or
9 agreement shall be subject to inspection and copying.

10 (q) Test questions, scoring keys, and other
11 examination data used to determine the qualifications of an
12 applicant for a license or employment.

13 (r) The records, documents, and information relating
14 to real estate purchase negotiations until those
15 negotiations have been completed or otherwise terminated.
16 With regard to a parcel involved in a pending or actually
17 and reasonably contemplated eminent domain proceeding
18 under the Eminent Domain Act, records, documents and
19 information relating to that parcel shall be exempt except
20 as may be allowed under discovery rules adopted by the
21 Illinois Supreme Court. The records, documents and
22 information relating to a real estate sale shall be exempt
23 until a sale is consummated.

24 (s) Any and all proprietary information and records
25 related to the operation of an intergovernmental risk
26 management association or self-insurance pool or jointly

1 self-administered health and accident cooperative or pool.
2 Insurance or self insurance (including any
3 intergovernmental risk management association or self
4 insurance pool) claims, loss or risk management
5 information, records, data, advice or communications.

6 (t) Information contained in or related to
7 examination, operating, or condition reports prepared by,
8 on behalf of, or for the use of a public body responsible
9 for the regulation or supervision of financial
10 institutions or insurance companies, unless disclosure is
11 otherwise required by State law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to be
15 used to create electronic or digital signatures under the
16 Electronic Commerce Security Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a community's
20 population or systems, facilities, or installations, the
21 destruction or contamination of which would constitute a
22 clear and present danger to the health or safety of the
23 community, but only to the extent that disclosure could
24 reasonably be expected to jeopardize the effectiveness of
25 the measures or the safety of the personnel who implement
26 them or the public. Information exempt under this item may

1 include such things as details pertaining to the
2 mobilization or deployment of personnel or equipment, to
3 the operation of communication systems or protocols, or to
4 tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or
7 security of generation, transmission, distribution,
8 storage, gathering, treatment, or switching facilities
9 owned by a utility, by a power generator, or by the
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,
12 bids, or negotiations related to electric power
13 procurement under Section 1-75 of the Illinois Power Agency
14 Act and Section 16-111.5 of the Public Utilities Act that
15 is determined to be confidential and proprietary by the
16 Illinois Power Agency or by the Illinois Commerce
17 Commission.

18 (z) Information about students exempted from
19 disclosure under Sections 10-20.38 or 34-18.29 of the
20 School Code, and information about undergraduate students
21 enrolled at an institution of higher education exempted
22 from disclosure under Section 25 of the Illinois Credit
23 Card Marketing Act of 2009.

24 (aa) Information the disclosure of which is exempted
25 under the Viatical Settlements Act of 2009.

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or
5 inurnments of human remains that are submitted to the
6 Cemetery Oversight Database under the Cemetery Care Act or
7 the Cemetery Oversight Act, whichever is applicable.

8 (dd) Correspondence and records (i) that may not be
9 disclosed under Section 11-9 of the Public Aid Code or (ii)
10 that pertain to appeals under Section 11-8 of the Public
11 Aid Code.

12 (ee) ~~(dd)~~ The names, addresses, or other personal
13 information of persons who are minors and are also
14 participants and registrants in programs of park
15 districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations.

18 (ff) ~~(ee)~~ The names, addresses, or other personal
19 information of participants and registrants in programs of
20 park districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations where such programs are targeted primarily to
23 minors.

24 (1.5) Any information exempt from disclosure under the
25 Judicial Privacy Act shall be redacted from public records
26 prior to disclosure under this Act.

1 (2) A public record that is not in the possession of a
2 public body but is in the possession of a party with whom the
3 agency has contracted to perform a governmental function on
4 behalf of the public body, and that directly relates to the
5 governmental function and is not otherwise exempt under this
6 Act, shall be considered a public record of the public body,
7 for purposes of this Act.

8 (3) This Section does not authorize withholding of
9 information or limit the availability of records to the public,
10 except as stated in this Section or otherwise provided in this
11 Act.

12 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;
13 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;
14 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.
15 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; revised
16 9-2-11.)

17 Section 4-15. The Election Code is amended by changing
18 Section 7A-1 and by adding Section 10-10.5 as follows:

19 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

20 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
21 been elected to that office and who seeks to be retained in
22 that office under subsection (d) of Section 12 of Article VI of
23 the Constitution shall file a declaration of candidacy to
24 succeed himself in the office of the Secretary of State not

1 less than 6 months before the general election preceding the
2 expiration of his term of office. Within 3 business days
3 thereafter, the Secretary of State shall certify to the State
4 Board of Elections the names of all incumbent judges who were
5 eligible to stand for retention at the next general election
6 but failed to timely file a declaration of candidacy to succeed
7 themselves in office or, having timely filed such a
8 declaration, withdrew it. The State Board of Elections may rely
9 upon the certification from the Secretary of State (a) to
10 determine when vacancies in judicial office exist and (b) to
11 determine the judicial positions for which elections will be
12 held. The Secretary of State, not less than 63 days before the
13 election, shall certify the Judge's candidacy to the proper
14 election officials. The names of Judges seeking retention shall
15 be submitted to the electors, separately and without party
16 designation, on the sole question whether each Judge shall be
17 retained in office for another term. The retention elections
18 shall be conducted at general elections in the appropriate
19 Judicial District, for Supreme and Appellate Judges, and in the
20 circuit for Circuit Judges. The affirmative vote of
21 three-fifths of the electors voting on the question shall elect
22 the Judge to the office for a term commencing on the first
23 Monday in December following his election.

24 Upon certification of a Judge's candidacy for retention by
25 the Secretary of State, the judicial candidate may file a
26 written request with the Secretary of State for redaction of

1 the judicial candidate's home address information from the
2 candidate's declaration of candidacy for retention. After
3 receipt of the candidate's written request, the Secretary of
4 State shall redact or cause redaction of the judicial
5 candidate's home address from the candidate's declaration of
6 candidacy for retention within 5 business days. For the
7 purposes of this subsection, "home address" has the meaning as
8 defined in Section 1-10 of the Judicial Privacy Act.

9 (Source: P.A. 96-886, eff. 1-1-11.)

10 (10 ILCS 5/10-10.5 new)

11 Sec. 10-10.5. Removal of judicial officer's address
12 information from the certificate of nomination or nomination
13 papers.

14 (a) Upon expiration of the period for filing an objection
15 to a judicial candidate's certificate of nomination or
16 nomination papers, a judicial officer who is a judicial
17 candidate may file a written request with the State Board of
18 Elections for redaction of the judicial officer's home address
19 information from his or her certificate of nomination or
20 nomination papers. After receipt of the judicial officer's
21 written request, the State Board of Elections shall redact or
22 cause redaction of the judicial officer's home address from his
23 or her certificate of nomination or nomination papers within 5
24 business days.

25 (b) Prior to expiration of the period for filing an

1 objection to a judicial candidate's certificate of nomination
2 or nomination papers, the home address information from the
3 certificate of nomination or nomination papers of a judicial
4 officer who is a judicial candidate is available for public
5 inspection. After redaction of a judicial officer's home
6 address information under paragraph (a) of this Section, the
7 home address information is only available for an in camera
8 inspection by the court reviewing an objection to the judicial
9 officers's certificate of nomination or nomination papers.

10 (c) For the purposes of this Section, "home address" has
11 the meaning as defined in Section 1-10 of the Judicial Privacy
12 Act.

13 Section 4-18. The Illinois Identification Card Act is
14 amended by changing Sections 4 and 5 as follows:

15 (15 ILCS 335/4) (from Ch. 124, par. 24)

16 Sec. 4. Identification Card.

17 (a) The Secretary of State shall issue a standard Illinois
18 Identification Card to any natural person who is a resident of
19 the State of Illinois who applies for such card, or renewal
20 thereof, or who applies for a standard Illinois Identification
21 Card upon release as a committed person on parole, mandatory
22 supervised release, final discharge, or pardon from the
23 Department of Corrections by submitting an identification card
24 issued by the Department of Corrections under Section 3-14-1 of

1 the Unified Code of Corrections, together with the prescribed
2 fees. No identification card shall be issued to any person who
3 holds a valid foreign state identification card, license, or
4 permit unless the person first surrenders to the Secretary of
5 State the valid foreign state identification card, license, or
6 permit. The card shall be prepared and supplied by the
7 Secretary of State and shall include a photograph and signature
8 or mark of the applicant. However, the Secretary of State may
9 provide by rule for the issuance of Illinois Identification
10 Cards without photographs if the applicant has a bona fide
11 religious objection to being photographed or to the display of
12 his or her photograph. The Illinois Identification Card may be
13 used for identification purposes in any lawful situation only
14 by the person to whom it was issued. As used in this Act,
15 "photograph" means any color photograph or digitally produced
16 and captured image of an applicant for an identification card.
17 As used in this Act, "signature" means the name of a person as
18 written by that person and captured in a manner acceptable to
19 the Secretary of State.

20 (a-5) If an applicant for an identification card has a
21 current driver's license or instruction permit issued by the
22 Secretary of State, the Secretary may require the applicant to
23 utilize the same residence address and name on the
24 identification card, driver's license, and instruction permit
25 records maintained by the Secretary. The Secretary may
26 promulgate rules to implement this provision.

1 (a-10) If the applicant is a judicial officer as defined in
2 Section 1-10 of the Judicial Privacy Act, the applicant may
3 elect to have his or her office or work address listed on the
4 card instead of the applicant's residence or mailing address.
5 The Secretary may promulgate rules to implement this provision.

6 (b) The Secretary of State shall issue a special Illinois
7 Identification Card, which shall be known as an Illinois
8 Disabled Person Identification Card, to any natural person who
9 is a resident of the State of Illinois, who is a disabled
10 person as defined in Section 4A of this Act, who applies for
11 such card, or renewal thereof. No Disabled Person
12 Identification Card shall be issued to any person who holds a
13 valid foreign state identification card, license, or permit
14 unless the person first surrenders to the Secretary of State
15 the valid foreign state identification card, license, or
16 permit. The Secretary of State shall charge no fee to issue
17 such card. The card shall be prepared and supplied by the
18 Secretary of State, and shall include a photograph and
19 signature or mark of the applicant, a designation indicating
20 that the card is an Illinois Disabled Person Identification
21 Card, and shall include a comprehensible designation of the
22 type and classification of the applicant's disability as set
23 out in Section 4A of this Act. However, the Secretary of State
24 may provide by rule for the issuance of Illinois Disabled
25 Person Identification Cards without photographs if the
26 applicant has a bona fide religious objection to being

1 photographed or to the display of his or her photograph. If the
2 applicant so requests, the card shall include a description of
3 the applicant's disability and any information about the
4 applicant's disability or medical history which the Secretary
5 determines would be helpful to the applicant in securing
6 emergency medical care. If a mark is used in lieu of a
7 signature, such mark shall be affixed to the card in the
8 presence of two witnesses who attest to the authenticity of the
9 mark. The Illinois Disabled Person Identification Card may be
10 used for identification purposes in any lawful situation by the
11 person to whom it was issued.

12 The Illinois Disabled Person Identification Card may be
13 used as adequate documentation of disability in lieu of a
14 physician's determination of disability, a determination of
15 disability from a physician assistant who has been delegated
16 the authority to make this determination by his or her
17 supervising physician, a determination of disability from an
18 advanced practice nurse who has a written collaborative
19 agreement with a collaborating physician that authorizes the
20 advanced practice nurse to make this determination, or any
21 other documentation of disability whenever any State law
22 requires that a disabled person provide such documentation of
23 disability, however an Illinois Disabled Person Identification
24 Card shall not qualify the cardholder to participate in any
25 program or to receive any benefit which is not available to all
26 persons with like disabilities. Notwithstanding any other

1 provisions of law, an Illinois Disabled Person Identification
2 Card, or evidence that the Secretary of State has issued an
3 Illinois Disabled Person Identification Card, shall not be used
4 by any person other than the person named on such card to prove
5 that the person named on such card is a disabled person or for
6 any other purpose unless the card is used for the benefit of
7 the person named on such card, and the person named on such
8 card consents to such use at the time the card is so used.

9 An optometrist's determination of a visual disability
10 under Section 4A of this Act is acceptable as documentation for
11 the purpose of issuing an Illinois Disabled Person
12 Identification Card.

13 When medical information is contained on an Illinois
14 Disabled Person Identification Card, the Office of the
15 Secretary of State shall not be liable for any actions taken
16 based upon that medical information.

17 (c) Beginning January 1, 1986, the Secretary of State shall
18 provide that each original or renewal Illinois Identification
19 Card or Illinois Disabled Person Identification Card issued to
20 a person under the age of 21, shall be of a distinct nature
21 from those Illinois Identification Cards or Illinois Disabled
22 Person Identification Cards issued to individuals 21 years of
23 age or older. The color designated for Illinois Identification
24 Cards or Illinois Disabled Person Identification Cards for
25 persons under the age of 21 shall be at the discretion of the
26 Secretary of State.

1 (c-1) Beginning January 1, 2003, each original or renewal
2 Illinois Identification Card or Illinois Disabled Person
3 Identification Card issued to a person under the age of 21
4 shall display the date upon which the person becomes 18 years
5 of age and the date upon which the person becomes 21 years of
6 age.

7 (d) The Secretary of State may issue a Senior Citizen
8 discount card, to any natural person who is a resident of the
9 State of Illinois who is 60 years of age or older and who
10 applies for such a card or renewal thereof. The Secretary of
11 State shall charge no fee to issue such card. The card shall be
12 issued in every county and applications shall be made available
13 at, but not limited to, nutrition sites, senior citizen centers
14 and Area Agencies on Aging. The applicant, upon receipt of such
15 card and prior to its use for any purpose, shall have affixed
16 thereon in the space provided therefor his signature or mark.

17 (e) The Secretary of State, in his or her discretion, may
18 designate on each Illinois Identification Card or Illinois
19 Disabled Person Identification Card a space where the card
20 holder may place a sticker or decal, issued by the Secretary of
21 State, of uniform size as the Secretary may specify, that shall
22 indicate in appropriate language that the card holder has
23 renewed his or her Illinois Identification Card or Illinois
24 Disabled Person Identification Card.

25 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;
26 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12.)

1 (15 ILCS 335/5) (from Ch. 124, par. 25)

2 Sec. 5. Applications. Any natural person who is a resident
3 of the State of Illinois, may file an application for an
4 identification card or for the renewal thereof, in a manner
5 prescribed by the Secretary. Each original application shall be
6 completed by the applicant in full and shall set forth the
7 legal name, residence address and zip code, social security
8 number, birth date, sex and a brief description of the
9 applicant. The applicant shall be photographed, unless the
10 Secretary of State has provided by rule for the issuance of
11 identification cards without photographs and the applicant is
12 deemed eligible for an identification card without a photograph
13 under the terms and conditions imposed by the Secretary of
14 State, and he or she shall also submit any other information as
15 the Secretary may deem necessary or such documentation as the
16 Secretary may require to determine the identity of the
17 applicant. In addition to the residence address, the Secretary
18 may allow the applicant to provide a mailing address. If the
19 applicant is a judicial officer as defined in Section 1-10 of
20 the Judicial Privacy Act, the applicant may elect to have his
21 or her office or work address in lieu of the applicant's
22 residence or mailing address. An applicant for a disabled
23 persons card must also submit with each original or renewal
24 application, on forms prescribed by the Secretary, such
25 documentation as the Secretary may require, establishing that

1 the applicant is a "disabled person" as defined in Section 4A
2 of this Act, and setting forth the applicant's type and class
3 of disability as set forth in Section 4A of this Act.

4 (Source: P.A. 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12.)

5 Section 4-20. The Illinois Vehicle Code is amended by
6 changing Sections 3-405, 6-106, and 6-110 as follows:

7 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

8 Sec. 3-405. Application for registration.

9 (a) Every owner of a vehicle subject to registration under
10 this Code shall make application to the Secretary of State for
11 the registration of such vehicle upon the appropriate form or
12 forms furnished by the Secretary. Every such application shall
13 bear the signature of the owner written with pen and ink and
14 contain:

15 1. The name, domicile address, as defined in Section
16 1-115.5 of this Code, (except as otherwise provided in this
17 paragraph 1) and mail address of the owner or business
18 address of the owner if a firm, association or corporation.
19 If the mailing address is a post office box number, the
20 address listed on the driver license record may be used to
21 verify residence. A police officer, a deputy sheriff, an
22 elected sheriff, a law enforcement officer for the
23 Department of State Police, a fire investigator, a state's
24 attorney, an assistant state's attorney, ~~or~~ a state's

1 attorney special investigator, or a judicial officer may
2 elect to furnish the address of the headquarters of the
3 governmental entity, ~~or~~ police district, or business
4 address where he or she works instead of his or her
5 domicile address, in which case that address shall be
6 deemed to be his or her domicile address for all purposes
7 under this Chapter 3. The spouse and children of a person
8 who may elect under this paragraph 1 to furnish the address
9 of the headquarters of the government entity, ~~or~~ police
10 district, or business address where the person works
11 instead of the person's domicile address may, if they
12 reside with that person, also elect to furnish the address
13 of the headquarters of the government entity, ~~or~~ police
14 district, or business address where the person works as
15 their domicile address, in which case that address shall be
16 deemed to be their domicile address for all purposes under
17 this Chapter 3. In this paragraph 1: (A) "police officer"
18 has the meaning ascribed to "policeman" in Section 10-3-1
19 of the Illinois Municipal Code; (B) "deputy sheriff" means
20 a deputy sheriff appointed under Section 3-6008 of the
21 Counties Code; (C) "elected sheriff" means a sheriff
22 commissioned pursuant to Section 3-6001 of the Counties
23 Code; (D) "fire investigator" means a person classified as
24 a peace officer under the Peace Officer Fire Investigation
25 Act; ~~and~~ (E) "state's attorney", "assistant state's
26 attorney", and "state's attorney special investigator"

1 mean a state's attorney, assistant state's attorney, and
2 state's attorney special investigator commissioned or
3 appointed under Division 3-9 of the Counties Code; and (F)
4 "judicial officer" has the meaning ascribed to it in
5 Section 1-10 of the Judicial Privacy Act.

6 2. A description of the vehicle, including such
7 information as is required in an application for a
8 certificate of title, determined under such standard
9 rating as may be prescribed by the Secretary.

10 3. Information relating to the insurance policy for the
11 motor vehicle, including the name of the insurer which
12 issued the policy, the policy number, and the expiration
13 date of the policy.

14 4. Such further information as may reasonably be
15 required by the Secretary to enable him to determine
16 whether the vehicle is lawfully entitled to registration
17 and the owner entitled to a certificate of title.

18 5. An affirmation by the applicant that all information
19 set forth is true and correct. If the application is for
20 the registration of a motor vehicle, the applicant also
21 shall affirm that the motor vehicle is insured as required
22 by this Code, that such insurance will be maintained
23 throughout the period for which the motor vehicle shall be
24 registered, and that neither the owner, nor any person
25 operating the motor vehicle with the owner's permission,
26 shall operate the motor vehicle unless the required

1 insurance is in effect. If the person signing the
2 affirmation is not the sole owner of the vehicle, such
3 person shall be deemed to have affirmed on behalf of all
4 the owners of the vehicle. If the person signing the
5 affirmation is not an owner of the vehicle, such person
6 shall be deemed to have affirmed on behalf of the owner or
7 owners of the vehicle. The lack of signature on the
8 application shall not in any manner exempt the owner or
9 owners from any provisions, requirements or penalties of
10 this Code.

11 (b) When such application refers to a new vehicle purchased
12 from a dealer the application shall be accompanied by a
13 Manufacturer's Statement of Origin from the dealer, and a
14 statement showing any lien retained by the dealer.

15 (Source: P.A. 95-207, eff. 1-1-08; 96-580, eff. 1-1-10.)

16 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

17 Sec. 6-106. Application for license or instruction permit.

18 (a) Every application for any permit or license authorized
19 to be issued under this Act shall be made upon a form furnished
20 by the Secretary of State. Every application shall be
21 accompanied by the proper fee and payment of such fee shall
22 entitle the applicant to not more than 3 attempts to pass the
23 examination within a period of 1 year after the date of
24 application.

25 (b) Every application shall state the legal name, social

1 security number, zip code, date of birth, sex, and residence
2 address of the applicant; briefly describe the applicant; state
3 whether the applicant has theretofore been licensed as a
4 driver, and, if so, when and by what state or country, and
5 whether any such license has ever been cancelled, suspended,
6 revoked or refused, and, if so, the date and reason for such
7 cancellation, suspension, revocation or refusal; shall include
8 an affirmation by the applicant that all information set forth
9 is true and correct; and shall bear the applicant's signature.
10 In addition to the residence address, the Secretary may allow
11 the applicant to provide a mailing address. In the case of an
12 applicant who is a judicial officer, the Secretary may allow
13 the applicant to provide an office or work address in lieu of a
14 residence or mailing address. The application form may also
15 require the statement of such additional relevant information
16 as the Secretary of State shall deem necessary to determine the
17 applicant's competency and eligibility. The Secretary of State
18 may, in his discretion, by rule or regulation, provide that an
19 application for a drivers license or permit may include a
20 suitable photograph of the applicant in the form prescribed by
21 the Secretary, and he may further provide that each drivers
22 license shall include a photograph of the driver. The Secretary
23 of State may utilize a photograph process or system most
24 suitable to deter alteration or improper reproduction of a
25 drivers license and to prevent substitution of another photo
26 thereon.

1 (c) The application form shall include a notice to the
2 applicant of the registration obligations of sex offenders
3 under the Sex Offender Registration Act. The notice shall be
4 provided in a form and manner prescribed by the Secretary of
5 State. For purposes of this subsection (c), "sex offender" has
6 the meaning ascribed to it in Section 2 of the Sex Offender
7 Registration Act.

8 (d) Any male United States citizen or immigrant who applies
9 for any permit or license authorized to be issued under this
10 Act or for a renewal of any permit or license, and who is at
11 least 18 years of age but less than 26 years of age, must be
12 registered in compliance with the requirements of the federal
13 Military Selective Service Act. The Secretary of State must
14 forward in an electronic format the necessary personal
15 information regarding the applicants identified in this
16 subsection (d) to the Selective Service System. The applicant's
17 signature on the application serves as an indication that the
18 applicant either has already registered with the Selective
19 Service System or that he is authorizing the Secretary to
20 forward to the Selective Service System the necessary
21 information for registration. The Secretary must notify the
22 applicant at the time of application that his signature
23 constitutes consent to registration with the Selective Service
24 System, if he is not already registered.

25 (Source: P.A. 96-1231, eff. 7-23-10; 97-263, eff. 8-5-11.)

1 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

2 Sec. 6-110. Licenses issued to drivers.

3 (a) The Secretary of State shall issue to every qualifying
4 applicant a driver's license as applied for, which license
5 shall bear a distinguishing number assigned to the licensee,
6 the legal name, signature, zip code, date of birth, residence
7 address, and a brief description of the licensee.

8 Licenses issued shall also indicate the classification and
9 the restrictions under Section 6-104 of this Code.

10 A driver's license issued may, in the discretion of the
11 Secretary, include a suitable photograph of a type prescribed
12 by the Secretary.

13 (a-1) If the licensee is less than 18 years of age, unless
14 one of the exceptions in subsection (a-2) apply, the license
15 shall, as a matter of law, be invalid for the operation of any
16 motor vehicle during the following times:

17 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

18 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
19 Sunday; and

20 (C) Between 10:00 p.m. on Sunday to Thursday,
21 inclusive, and 6:00 a.m. on the following day.

22 (a-2) The driver's license of a person under the age of 18
23 shall not be invalid as described in subsection (a-1) of this
24 Section if the licensee under the age of 18 was:

25 (1) accompanied by the licensee's parent or guardian or
26 other person in custody or control of the minor;

1 (2) on an errand at the direction of the minor's parent
2 or guardian, without any detour or stop;

3 (3) in a motor vehicle involved in interstate travel;

4 (4) going to or returning home from an employment
5 activity, without any detour or stop;

6 (5) involved in an emergency;

7 (6) going to or returning home from, without any detour
8 or stop, an official school, religious, or other
9 recreational activity supervised by adults and sponsored
10 by a government or governmental agency, a civic
11 organization, or another similar entity that takes
12 responsibility for the licensee, without any detour or
13 stop;

14 (7) exercising First Amendment rights protected by the
15 United States Constitution, such as the free exercise of
16 religion, freedom of speech, and the right of assembly; or

17 (8) married or had been married or is an emancipated
18 minor under the Emancipation of Minors Act.

19 (a-2.5) The driver's license of a person who is 17 years of
20 age and has been licensed for at least 12 months is not invalid
21 as described in subsection (a-1) of this Section while the
22 licensee is participating as an assigned driver in a Safe Rides
23 program that meets the following criteria:

24 (1) the program is sponsored by the Boy Scouts of
25 America or another national public service organization;
26 and

1 (2) the sponsoring organization carries liability
2 insurance covering the program.

3 (a-3) If a graduated driver's license holder over the age
4 of 18 committed an offense against traffic regulations
5 governing the movement of vehicles or any violation of Section
6 6-107 or Section 12-603.1 of this Code in the 6 months prior to
7 the graduated driver's license holder's 18th birthday, and was
8 subsequently convicted of the offense, the provisions of
9 subsection (a-1) shall continue to apply until such time as a
10 period of 6 consecutive months has elapsed without an
11 additional violation and subsequent conviction of an offense
12 against traffic regulations governing the movement of vehicles
13 or Section 6-107 or Section 12-603.1 of this Code.

14 (a-4) If an applicant for a driver's license or instruction
15 permit has a current identification card issued by the
16 Secretary of State, the Secretary may require the applicant to
17 utilize the same residence address and name on the
18 identification card, driver's license, and instruction permit
19 records maintained by the Secretary. The Secretary may
20 promulgate rules to implement this provision.

21 (a-5) If an applicant for a driver's license is a judicial
22 officer, the applicant may elect to have his or her office or
23 work address listed on the license instead of the applicant's
24 residence or mailing address. The Secretary of State shall
25 adopt rules to implement this subsection (a-5).

26 (b) Until the Secretary of State establishes a First Person

1 Consent organ and tissue donor registry under Section 6-117 of
2 this Code, the Secretary of State shall provide a format on the
3 reverse of each driver's license issued which the licensee may
4 use to execute a document of gift conforming to the provisions
5 of the Illinois Anatomical Gift Act. The format shall allow the
6 licensee to indicate the gift intended, whether specific
7 organs, any organ, or the entire body, and shall accommodate
8 the signatures of the donor and 2 witnesses. The Secretary
9 shall also inform each applicant or licensee of this format,
10 describe the procedure for its execution, and may offer the
11 necessary witnesses; provided that in so doing, the Secretary
12 shall advise the applicant or licensee that he or she is under
13 no compulsion to execute a document of gift. A brochure
14 explaining this method of executing an anatomical gift document
15 shall be given to each applicant or licensee. The brochure
16 shall advise the applicant or licensee that he or she is under
17 no compulsion to execute a document of gift, and that he or she
18 may wish to consult with family, friends or clergy before doing
19 so. The Secretary of State may undertake additional efforts,
20 including education and awareness activities, to promote organ
21 and tissue donation.

22 (c) The Secretary of State shall designate on each driver's
23 license issued a space where the licensee may place a sticker
24 or decal of the uniform size as the Secretary may specify,
25 which sticker or decal may indicate in appropriate language
26 that the owner of the license carries an Emergency Medical

1 Information Card.

2 The sticker may be provided by any person, hospital,
3 school, medical group, or association interested in assisting
4 in implementing the Emergency Medical Information Card, but
5 shall meet the specifications as the Secretary may by rule or
6 regulation require.

7 (d) The Secretary of State shall designate on each driver's
8 license issued a space where the licensee may indicate his
9 blood type and RH factor.

10 (e) The Secretary of State shall provide that each original
11 or renewal driver's license issued to a licensee under 21 years
12 of age shall be of a distinct nature from those driver's
13 licenses issued to individuals 21 years of age and older. The
14 color designated for driver's licenses for licensees under 21
15 years of age shall be at the discretion of the Secretary of
16 State.

17 (e-1) The Secretary shall provide that each driver's
18 license issued to a person under the age of 21 displays the
19 date upon which the person becomes 18 years of age and the date
20 upon which the person becomes 21 years of age.

21 (f) The Secretary of State shall inform all Illinois
22 licensed commercial motor vehicle operators of the
23 requirements of the Uniform Commercial Driver License Act,
24 Article V of this Chapter, and shall make provisions to insure
25 that all drivers, seeking to obtain a commercial driver's
26 license, be afforded an opportunity prior to April 1, 1992, to

1 obtain the license. The Secretary is authorized to extend
2 driver's license expiration dates, and assign specific times,
3 dates and locations where these commercial driver's tests shall
4 be conducted. Any applicant, regardless of the current
5 expiration date of the applicant's driver's license, may be
6 subject to any assignment by the Secretary. Failure to comply
7 with the Secretary's assignment may result in the applicant's
8 forfeiture of an opportunity to receive a commercial driver's
9 license prior to April 1, 1992.

10 (g) The Secretary of State shall designate on a driver's
11 license issued, a space where the licensee may indicate that he
12 or she has drafted a living will in accordance with the
13 Illinois Living Will Act or a durable power of attorney for
14 health care in accordance with the Illinois Power of Attorney
15 Act.

16 (g-1) The Secretary of State, in his or her discretion, may
17 designate on each driver's license issued a space where the
18 licensee may place a sticker or decal, issued by the Secretary
19 of State, of uniform size as the Secretary may specify, that
20 shall indicate in appropriate language that the owner of the
21 license has renewed his or her driver's license.

22 (h) A person who acts in good faith in accordance with the
23 terms of this Section is not liable for damages in any civil
24 action or subject to prosecution in any criminal proceeding for
25 his or her act.

26 (Source: P.A. 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10;

1 97-263, eff. 8-5-11.)

2 Section 4-99. Effective date. This Act and this Section
3 takes effect 60 days after becoming law, except that Sections
4 4-18 and 4-20 take effect January 1, 2013.