



Sen. John G. Mulroe

Filed: 5/21/2013

09800SB0115sam003

LRB098 04339 OMW 46251 a

1 AMENDMENT TO SENATE BILL 115

2 AMENDMENT NO. _____. Amend Senate Bill 115 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest reports.

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

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

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

16 (3) The time and location of the arrest.

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

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

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

8 (b) The information required by this Section must be made
9 available to the news media for inspection and copying as soon
10 as practicable, but in no event shall the time period exceed 72
11 hours from the arrest. The information described in paragraphs
12 (3), (4), (5), and (6) of subsection (a), however, may be
13 withheld if it is determined that disclosure would:

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

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

20 (3) compromise the security of any correctional
21 facility.

22 (c) For the purposes of this Section, the term "news media"
23 means personnel of a newspaper or other periodical issued at
24 regular intervals whether in print or electronic format, a news
25 service whether in print or electronic format, a radio station,
26 a television station, a television network, a community antenna

1 television service, or a person or corporation engaged in
2 making news reels or other motion picture news for public
3 showing.

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

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

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

15 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
16 92-335, eff. 8-10-01.)

17 Section 10. The Local Records Act is amended by changing
18 Section 3b as follows:

19 (50 ILCS 205/3b)

20 Sec. 3b. Arrest reports.

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

24 (1) Information that identifies the individual,

1 including the name, age, address, and photograph, when and
2 if available.

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

5 (3) The time and location of the arrest.

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

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

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

13 (b) The information required by this Section must be made
14 available to the news media for inspection and copying as soon
15 as practicable, but in no event shall the time period exceed 72
16 hours from the arrest. The information described in paragraphs
17 (3), (4), (5), and (6) of subsection (a), however, may be
18 withheld if it is determined that disclosure would:

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

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

25 (3) compromise the security of any correctional
26 facility.

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

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

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

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

20 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
21 92-335, eff. 8-10-01.)

22 Section 15. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by adding Section 2000 as follows:

24 (815 ILCS 505/2000 new)

1 Sec. 2000. Criminal record information.

2 (a) It is an unlawful practice for any person engaged in
3 publishing or otherwise disseminating criminal record
4 information through a print or electronic medium to solicit or
5 accept the payment of a fee or other consideration to remove,
6 correct, or modify said criminal record information.

7 (b) For the purposes of this Section, "criminal record
8 information" includes any and all of the following:

9 (1) descriptions or notations of any arrests, any
10 formal criminal charges, and the disposition of those
11 criminal charges, including, but not limited to, any
12 information made available under Section 4a of the State
13 Records Act or Section 3b of the Local Records Act;

14 (2) photographs of the person taken pursuant to an
15 arrest or other involvement in the criminal justice system;
16 or

17 (3) personal identifying information, including a
18 person's name, address, date of birth, photograph, and
19 social security number or other government-issued
20 identification number."