



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3515

Introduced 2/18/2025, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/6	from Ch. 116, par. 206
50 ILCS 706/10-20	

Amends the Freedom of Information Act. Provides that, for purposes of the Act, "commercial purpose" includes any use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf a request is made. Provides that, for purposes of the Act, "news media" does not include Internet sites, social media channels, or other sites or applications that post law enforcement videos in exchange for compensation based on the number of views. Provides that a public body may charge up to \$40 for each hour spent by personnel in searching for, retrieving, reviewing, redacting, and reproducing audio and video records except for the first 8 hours spent by personnel in searching for or retrieving a requested record. Amends the Law Enforcement Officer-Worn Body Camera Act. Provides that requests for a commercial purpose, as defined in the Freedom of Information Act, are not subject to provisions of the Act requiring the release of body-camera footage that has been flagged for specified reasons.

LRB104 12175 BDA 22277 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 2 an 6 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act, or a regional youth advisory board or
20 the Statewide Youth Advisory Board established under the
21 Department of Children and Family Services Statewide Youth
22 Advisory Board Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical
9 form or characteristics, having been prepared by or for, or
10 having been or being used by, received by, in the possession
11 of, or under the control of any public body.

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records, home or personal telephone numbers,
17 and personal email addresses. Private information also
18 includes home address and personal license plates, except as
19 otherwise provided by law or when compiled without possibility
20 of attribution to any person. For a public body that is a
21 HIPAA-covered entity, "private information" includes
22 electronic medical records and all information, including
23 demographic information, contained within or extracted from an
24 electronic medical records system operated or maintained by
25 the public body in compliance with State and federal medical
26 privacy laws and regulations, including, but not limited to,

1 the Health Insurance Portability and Accountability Act and
2 its regulations, 45 CFR Parts 160 and 164. As used in this
3 subsection, "HIPAA-covered entity" has the meaning given to
4 the term "covered entity" in 45 CFR 160.103.

5 (c-10) "Commercial purpose" means the use of any part of a
6 public record or records, or information derived from public
7 records, in any form for sale, resale, or solicitation or
8 advertisement for sales or services, or for any use or purpose
9 that furthers the commercial, trade, or profit interests of
10 the requester or the person on whose behalf the request is
11 made. For purposes of this definition, requests made by news
12 media and non-profit, scientific, or academic organizations
13 shall not be considered to be made for a "commercial purpose"
14 when the principal purpose of the request is (i) to access and
15 disseminate information concerning news and current or passing
16 events, (ii) for articles of opinion or features of interest
17 to the public, or (iii) for the purpose of academic,
18 scientific, or public research or education.

19 (d) "Copying" means the reproduction of any public record
20 by means of any photographic, electronic, mechanical or other
21 process, device or means now known or hereafter developed and
22 available to the public body.

23 (e) "Head of the public body" means the president, mayor,
24 chairman, presiding officer, director, superintendent,
25 manager, supervisor or individual otherwise holding primary
26 executive and administrative authority for the public body, or

1 such person's duly authorized designee.

2 (f) "News media" means a newspaper or other periodical
3 issued at regular intervals whether in print or electronic
4 format, a news service whether in print or electronic format,
5 a radio station, a television station, a television network, a
6 community antenna television service, or a person or
7 corporation engaged in making news reels or other motion
8 picture news for public showing. "News media" does not include
9 Internet sites, social media channels, or other sites or
10 applications that post law enforcement videos in exchange for
11 compensation based on the number of views.

12 (g) "Recurrent requester", as used in Section 3.2 of this
13 Act, means a person that, in the 12 months immediately
14 preceding the request, has submitted to the same public body
15 (i) a minimum of 50 requests for records, (ii) a minimum of 15
16 requests for records within a 30-day period, or (iii) a
17 minimum of 7 requests for records within a 7-day period. For
18 purposes of this definition, requests made by news media and
19 non-profit, scientific, or academic organizations shall not be
20 considered in calculating the number of requests made in the
21 time periods in this definition when the principal purpose of
22 the requests is (i) to access and disseminate information
23 concerning news and current or passing events, (ii) for
24 articles of opinion or features of interest to the public, or
25 (iii) for the purpose of academic, scientific, or public
26 research or education.

1 For the purposes of this subsection (g), "request" means a
2 written document (or oral request, if the public body chooses
3 to honor oral requests) that is submitted to a public body via
4 personal delivery, mail, telefax, electronic mail, or other
5 means available to the public body and that identifies the
6 particular public record the requester seeks. One request may
7 identify multiple records to be inspected or copied.

8 (h) "Voluminous request" means a request that: (i)
9 includes more than 5 individual requests for more than 5
10 different categories of records or a combination of individual
11 requests that total requests for more than 5 different
12 categories of records in a period of 20 business days; or (ii)
13 requires the compilation of more than 500 letter or
14 legal-sized pages of public records unless a single requested
15 record exceeds 500 pages. "Single requested record" may
16 include, but is not limited to, one report, form, e-mail,
17 letter, memorandum, book, map, microfilm, tape, or recording.

18 "Voluminous request" does not include a request made by
19 news media and non-profit, scientific, or academic
20 organizations if the principal purpose of the request is: (1)
21 to access and disseminate information concerning news and
22 current or passing events; (2) for articles of opinion or
23 features of interest to the public; or (3) for the purpose of
24 academic, scientific, or public research or education.

25 For the purposes of this subsection (h), "request" means a
26 written document, or oral request, if the public body chooses

1 to honor oral requests, that is submitted to a public body via
2 personal delivery, mail, telefax, electronic mail, or other
3 means available to the public body and that identifies the
4 particular public record or records the requester seeks. One
5 request may identify multiple individual records to be
6 inspected or copied.

7 (i) "Severance agreement" means a mutual agreement between
8 any public body and its employee for the employee's
9 resignation in exchange for payment by the public body.

10 (Source: P.A. 103-554, eff. 1-1-24.)

11 (5 ILCS 140/6) (from Ch. 116, par. 206)

12 Sec. 6. Authority to charge fees.

13 (a) When a person requests a copy of a record maintained in
14 an electronic format, the public body shall furnish it in the
15 electronic format specified by the requester, if feasible. If
16 it is not feasible to furnish the public records in the
17 specified electronic format, then the public body shall
18 furnish it in the format in which it is maintained by the
19 public body, or in paper format at the option of the requester.
20 A public body may charge the requester for the actual cost of
21 purchasing the recording medium, whether disc, diskette, tape,
22 or other medium. If a request is not a request for a commercial
23 purpose or a voluminous request, a public body may not charge
24 the requester for the costs of any search for and review of the
25 records or other personnel costs associated with reproducing

1 the records. Except to the extent that the General Assembly
2 expressly provides, statutory fees applicable to copies of
3 public records when furnished in a paper format shall not be
4 applicable to those records when furnished in an electronic
5 format.

6 (a-5) If a voluminous request is for electronic records
7 and those records are not in a portable document format (PDF),
8 the public body may charge up to \$20 for not more than 2
9 megabytes of data, up to \$40 for more than 2 but not more than
10 4 megabytes of data, and up to \$100 for more than 4 megabytes
11 of data. If a voluminous request is for electronic records and
12 those records are in a portable document format, the public
13 body may charge up to \$20 for not more than 80 megabytes of
14 data, up to \$40 for more than 80 megabytes but not more than
15 160 megabytes of data, and up to \$100 for more than 160
16 megabytes of data. If the responsive electronic records are in
17 both a portable document format and not in a portable document
18 format, the public body may separate the fees and charge the
19 requester under both fee scales.

20 If a public body imposes a fee pursuant to this subsection
21 (a-5), it must provide the requester with an accounting of all
22 fees, costs, and personnel hours in connection with the
23 request for public records.

24 (b) Except when a fee is otherwise fixed by statute, each
25 public body may charge fees reasonably calculated to reimburse
26 its actual cost for reproducing and certifying public records

1 and for the use, by any person, of the equipment of the public
2 body to copy records. No fees shall be charged for the first 50
3 pages of black and white, letter or legal sized copies
4 requested by a requester. The fee for black and white, letter
5 or legal sized copies shall not exceed 15 cents per page. If a
6 public body provides copies in color or in a size other than
7 letter or legal, the public body may not charge more than its
8 actual cost for reproducing the records. In calculating its
9 actual cost for reproducing records or for the use of the
10 equipment of the public body to reproduce records, a public
11 body shall not include the costs of any search for and review
12 of the records or other personnel costs associated with
13 reproducing the records, except for commercial requests as
14 provided in subsection (f) of this Section. Such fees shall be
15 imposed according to a standard scale of fees, established and
16 made public by the body imposing them. The cost for certifying
17 a record shall not exceed \$1.

18 (c) Documents shall be furnished without charge or at a
19 reduced charge, as determined by the public body, if the
20 person requesting the documents states the specific purpose
21 for the request and indicates that a waiver or reduction of the
22 fee is in the public interest. Waiver or reduction of the fee
23 is in the public interest if the principal purpose of the
24 request is to access and disseminate information regarding the
25 health, safety and welfare or the legal rights of the general
26 public and is not for the principal purpose of personal or

1 commercial benefit. For purposes of this subsection,
2 "commercial benefit" shall not apply to requests made by news
3 media when the principal purpose of the request is to access
4 and disseminate information regarding the health, safety, and
5 welfare or the legal rights of the general public. In setting
6 the amount of the waiver or reduction, the public body may take
7 into consideration the amount of materials requested and the
8 cost of copying them.

9 (d) The imposition of a fee not consistent with
10 subsections (6) (a) and (b) of this Act constitutes a denial of
11 access to public records for the purposes of judicial review.

12 (e) The fee for each abstract of a driver's record shall be
13 as provided in Section 6-118 of "The Illinois Vehicle Code",
14 approved September 29, 1969, as amended, whether furnished as
15 a paper copy or as an electronic copy.

16 (f) Except for audio and video records, a ~~A~~ public body may
17 charge up to \$10 for each hour spent by personnel in searching
18 for and retrieving a requested record or examining the record
19 for necessary redactions. A public body may charge up to \$40
20 for each hour spent by personnel in searching for, retrieving,
21 reviewing, redacting, and reproducing audio and video records.

22 No fees shall be charged for the first 3 ~~4~~ hours spent by
23 personnel in searching for or retrieving a requested record. A
24 public body may charge the actual cost of retrieving and
25 transporting public records from an off-site storage facility
26 when the public records are maintained by a third-party

1 storage company under contract with the public body. If a
2 public body imposes a fee pursuant to this subsection (f), it
3 must provide the requester with an accounting of all fees,
4 costs, and personnel hours in connection with the request for
5 public records. The provisions of this subsection (f) apply
6 only to commercial requests.

7 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)

8 Section 10. The Law Enforcement Officer-Worn Body Camera
9 Act is amended by changing Section 10-20 as follows:

10 (50 ILCS 706/10-20)

11 Sec. 10-20. Requirements.

12 (a) The Board shall develop basic guidelines for the use
13 of officer-worn body cameras by law enforcement agencies. The
14 guidelines developed by the Board shall be the basis for the
15 written policy which must be adopted by each law enforcement
16 agency which employs the use of officer-worn body cameras. The
17 written policy adopted by the law enforcement agency must
18 include, at a minimum, all of the following:

19 (1) Cameras must be equipped with pre-event recording,
20 capable of recording at least the 30 seconds prior to
21 camera activation, unless the officer-worn body camera was
22 purchased and acquired by the law enforcement agency prior
23 to July 1, 2015.

24 (2) Cameras must be capable of recording for a period

1 of 10 hours or more, unless the officer-worn body camera
2 was purchased and acquired by the law enforcement agency
3 prior to July 1, 2015.

4 (3) Cameras must be turned on at all times when the
5 officer is in uniform and is responding to calls for
6 service or engaged in any law enforcement-related
7 encounter or activity that occurs while the officer is on
8 duty.

9 (A) If exigent circumstances exist which prevent
10 the camera from being turned on, the camera must be
11 turned on as soon as practicable.

12 (B) Officer-worn body cameras may be turned off
13 when the officer is inside of a patrol car which is
14 equipped with a functioning in-car camera; however,
15 the officer must turn on the camera upon exiting the
16 patrol vehicle for law enforcement-related encounters.

17 (C) Officer-worn body cameras may be turned off
18 when the officer is inside a correctional facility or
19 courthouse which is equipped with a functioning camera
20 system.

21 (4) Cameras must be turned off when:

22 (A) the victim of a crime requests that the camera
23 be turned off, and unless impractical or impossible,
24 that request is made on the recording;

25 (B) a witness of a crime or a community member who
26 wishes to report a crime requests that the camera be

1 turned off, and unless impractical or impossible that
2 request is made on the recording;

3 (C) the officer is interacting with a confidential
4 informant used by the law enforcement agency; or

5 (D) an officer of the Department of Revenue enters
6 a Department of Revenue facility or conducts an
7 interview during which return information will be
8 discussed or visible.

9 However, an officer may continue to record or resume
10 recording a victim or a witness, if exigent circumstances
11 exist, or if the officer has reasonable articulable
12 suspicion that a victim or witness, or confidential
13 informant has committed or is in the process of committing
14 a crime. Under these circumstances, and unless impractical
15 or impossible, the officer must indicate on the recording
16 the reason for continuing to record despite the request of
17 the victim or witness.

18 (4.5) Cameras may be turned off when the officer is
19 engaged in community caretaking functions. However, the
20 camera must be turned on when the officer has reason to
21 believe that the person on whose behalf the officer is
22 performing a community caretaking function has committed
23 or is in the process of committing a crime. If exigent
24 circumstances exist which prevent the camera from being
25 turned on, the camera must be turned on as soon as
26 practicable.

1 (5) The officer must provide notice of recording to
2 any person if the person has a reasonable expectation of
3 privacy and proof of notice must be evident in the
4 recording. If exigent circumstances exist which prevent
5 the officer from providing notice, notice must be provided
6 as soon as practicable.

7 (6) (A) For the purposes of redaction or duplicating
8 recordings, access to camera recordings shall be
9 restricted to only those personnel responsible for those
10 purposes. The recording officer or his or her supervisor
11 may not redact, duplicate, or otherwise alter the
12 recording officer's camera recordings. Except as otherwise
13 provided in this Section, the recording officer and his or
14 her supervisor may access and review recordings prior to
15 completing incident reports or other documentation,
16 provided that the supervisor discloses that fact in the
17 report or documentation.

18 (i) A law enforcement officer shall not have
19 access to or review his or her body-worn camera
20 recordings or the body-worn camera recordings of
21 another officer prior to completing incident reports
22 or other documentation when the officer:

23 (a) has been involved in or is a witness to an
24 officer-involved shooting, use of deadly force
25 incident, or use of force incidents resulting in
26 great bodily harm;

1 (b) is ordered to write a report in response
2 to or during the investigation of a misconduct
3 complaint against the officer.

4 (ii) If the officer subject to subparagraph (i)
5 prepares a report, any report shall be prepared
6 without viewing body-worn camera recordings, and
7 subject to supervisor's approval, officers may file
8 amendatory reports after viewing body-worn camera
9 recordings. Supplemental reports under this provision
10 shall also contain documentation regarding access to
11 the video footage.

12 (B) The recording officer's assigned field
13 training officer may access and review recordings for
14 training purposes. Any detective or investigator
15 directly involved in the investigation of a matter may
16 access and review recordings which pertain to that
17 investigation but may not have access to delete or
18 alter such recordings.

19 (7) Recordings made on officer-worn cameras must be
20 retained by the law enforcement agency or by the camera
21 vendor used by the agency, on a recording medium for a
22 period of 90 days.

23 (A) Under no circumstances shall any recording,
24 except for a non-law enforcement related activity or
25 encounter, made with an officer-worn body camera be
26 altered, erased, or destroyed prior to the expiration

1 of the 90-day storage period. In the event any
2 recording made with an officer-worn body camera is
3 altered, erased, or destroyed prior to the expiration
4 of the 90-day storage period, the law enforcement
5 agency shall maintain, for a period of one year, a
6 written record including (i) the name of the
7 individual who made such alteration, erasure, or
8 destruction, and (ii) the reason for any such
9 alteration, erasure, or destruction.

10 (B) Following the 90-day storage period, any and
11 all recordings made with an officer-worn body camera
12 must be destroyed, unless any encounter captured on
13 the recording has been flagged. An encounter is deemed
14 to be flagged when:

15 (i) a formal or informal complaint has been
16 filed;

17 (ii) the officer discharged his or her firearm
18 or used force during the encounter;

19 (iii) death or great bodily harm occurred to
20 any person in the recording;

21 (iv) the encounter resulted in a detention or
22 an arrest, excluding traffic stops which resulted
23 in only a minor traffic offense or business
24 offense;

25 (v) the officer is the subject of an internal
26 investigation or otherwise being investigated for

1 possible misconduct;

2 (vi) the supervisor of the officer,
3 prosecutor, defendant, or court determines that
4 the encounter has evidentiary value in a criminal
5 prosecution; or

6 (vii) the recording officer requests that the
7 video be flagged for official purposes related to
8 his or her official duties or believes it may have
9 evidentiary value in a criminal prosecution.

10 (C) Under no circumstances shall any recording
11 made with an officer-worn body camera relating to a
12 flagged encounter be altered or destroyed prior to 2
13 years after the recording was flagged. If the flagged
14 recording was used in a criminal, civil, or
15 administrative proceeding, the recording shall not be
16 destroyed except upon a final disposition and order
17 from the court.

18 (D) Nothing in this Act prohibits law enforcement
19 agencies from labeling officer-worn body camera video
20 within the recording medium; provided that the
21 labeling does not alter the actual recording of the
22 incident captured on the officer-worn body camera. The
23 labels, titles, and tags shall not be construed as
24 altering the officer-worn body camera video in any
25 way.

26 (8) Following the 90-day storage period, recordings

1 may be retained if a supervisor at the law enforcement
2 agency designates the recording for training purposes. If
3 the recording is designated for training purposes, the
4 recordings may be viewed by officers, in the presence of a
5 supervisor or training instructor, for the purposes of
6 instruction, training, or ensuring compliance with agency
7 policies.

8 (9) Recordings shall not be used to discipline law
9 enforcement officers unless:

10 (A) a formal or informal complaint of misconduct
11 has been made;

12 (B) a use of force incident has occurred;

13 (C) the encounter on the recording could result in
14 a formal investigation under the Uniform Peace
15 Officers' Disciplinary Act; or

16 (D) as corroboration of other evidence of
17 misconduct.

18 Nothing in this paragraph (9) shall be construed to
19 limit or prohibit a law enforcement officer from being
20 subject to an action that does not amount to discipline.

21 (10) The law enforcement agency shall ensure proper
22 care and maintenance of officer-worn body cameras. Upon
23 becoming aware, officers must as soon as practical
24 document and notify the appropriate supervisor of any
25 technical difficulties, failures, or problems with the
26 officer-worn body camera or associated equipment. Upon

1 receiving notice, the appropriate supervisor shall make
2 every reasonable effort to correct and repair any of the
3 officer-worn body camera equipment.

4 (11) No officer may hinder or prohibit any person, not
5 a law enforcement officer, from recording a law
6 enforcement officer in the performance of his or her
7 duties in a public place or when the officer has no
8 reasonable expectation of privacy. The law enforcement
9 agency's written policy shall indicate the potential
10 criminal penalties, as well as any departmental
11 discipline, which may result from unlawful confiscation or
12 destruction of the recording medium of a person who is not
13 a law enforcement officer. However, an officer may take
14 reasonable action to maintain safety and control, secure
15 crime scenes and accident sites, protect the integrity and
16 confidentiality of investigations, and protect the public
17 safety and order.

18 (b) Recordings made with the use of an officer-worn body
19 camera are not subject to disclosure under the Freedom of
20 Information Act, except that:

21 (1) if the subject of the encounter has a reasonable
22 expectation of privacy, at the time of the recording, any
23 recording which is flagged, due to the filing of a
24 complaint, discharge of a firearm, use of force, arrest or
25 detention, or resulting death or bodily harm, shall be
26 disclosed in accordance with the Freedom of Information

1 Act if:

2 (A) the subject of the encounter captured on the
3 recording is a victim or witness; and

4 (B) the law enforcement agency obtains written
5 permission of the subject or the subject's legal
6 representative;

7 (2) except as provided in paragraph (1) of this
8 subsection (b), and unless disclosure is requested for a
9 commercial purpose, as defined in the Freedom of
10 Information Act, any recording which is flagged due to the
11 filing of a complaint, discharge of a firearm, use of
12 force, arrest or detention, or resulting death or bodily
13 harm shall be disclosed in accordance with the Freedom of
14 Information Act; and

15 (3) upon request, the law enforcement agency shall
16 disclose, in accordance with the Freedom of Information
17 Act, the recording to the subject of the encounter
18 captured on the recording or to the subject's attorney, or
19 the officer or his or her legal representative.

20 For the purposes of paragraph (1) of this subsection (b),
21 the subject of the encounter does not have a reasonable
22 expectation of privacy if the subject was arrested as a result
23 of the encounter. For purposes of subparagraph (A) of
24 paragraph (1) of this subsection (b), "witness" does not
25 include a person who is a victim or who was arrested as a
26 result of the encounter.

1 Only recordings or portions of recordings responsive to
2 the request shall be available for inspection or reproduction.
3 Any recording disclosed under the Freedom of Information Act
4 shall be redacted to remove identification of any person that
5 appears on the recording and is not the officer, a subject of
6 the encounter, or directly involved in the encounter. Nothing
7 in this subsection (b) shall require the disclosure of any
8 recording or portion of any recording which would be exempt
9 from disclosure under the Freedom of Information Act.

10 (c) Nothing in this Section shall limit access to a camera
11 recording for the purposes of complying with Supreme Court
12 rules or the rules of evidence.

13 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
14 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
15 12-6-22.)