



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3592

Introduced 2/18/2025, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7
20 ILCS 2610/46
50 ILCS 705/6.2
50 ILCS 705/9.2

Amends the Freedom of Information Act. Deletes a provision that exempted from disclosure under the Act records contained in the officer professional conduct database established under the Illinois Police Training Act. Amends the Illinois State Police Act. Requires the Illinois State Police Merit Board to publish the officer professional conduct database on its website so that it is both searchable and viewable in its entirety by the public and can be downloaded in its entirety as a Comma-Separated Values (CSV) file. Amends the Illinois Police Training Act. Requires the Illinois Law Enforcement Training Standards Board to ensure that the officer professional conduct database established under the Act is available to the public. Deletes a provisions which specifies that information submitted to the officer professional conduct database is confidential.

LRB104 09595 RTM 19660 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

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

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

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

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

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

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

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

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a
4 person will be deprived of a fair trial or an impartial
5 hearing;

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

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

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency
7 that is the recipient of the request did not create the
8 record, did not participate in or have a role in any of the
9 events which are the subject of the record, and only has
10 access to the record through the shared electronic record
11 management system.

12 (d-6) (Blank). ~~Records contained in the Officer~~
13 ~~Professional Conduct Database under Section 9.2 of the~~
14 ~~Illinois Police Training Act, except to the extent~~
15 ~~authorized under that Section. This includes the documents~~
16 ~~supplied to the Illinois Law Enforcement Training~~
17 ~~Standards Board from the Illinois State Police and~~
18 ~~Illinois State Police Merit Board.~~

19 (d-7) Information gathered or records created from the
20 use of automatic license plate readers in connection with
21 Section 2-130 of the Illinois Vehicle Code.

22 (e) Records that relate to or affect the security of
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional
2 institution or facility or jail where the inmate is
3 confined.

4 (e-6) Records requested by persons committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail if those
7 materials include records from staff members' personnel
8 files, staff rosters, or other staffing assignment
9 information.

10 (e-7) Records requested by persons committed to the
11 Department of Corrections or Department of Human Services
12 Division of Mental Health if those materials are available
13 through an administrative request to the Department of
14 Corrections or Department of Human Services Division of
15 Mental Health.

16 (e-8) Records requested by a person committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail, the
19 disclosure of which would result in the risk of harm to any
20 person or the risk of an escape from a jail or correctional
21 institution or facility.

22 (e-9) Records requested by a person in a county jail
23 or committed to the Department of Corrections or
24 Department of Human Services Division of Mental Health,
25 containing personal information pertaining to the person's
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work
2 or school address, work telephone number, social security
3 number, or any other identifying information, except as
4 may be relevant to a requester's current or potential case
5 or claim.

6 (e-10) Law enforcement records of other persons
7 requested by a person committed to the Department of
8 Corrections, Department of Human Services Division of
9 Mental Health, or a county jail, including, but not
10 limited to, arrest and booking records, mug shots, and
11 crime scene photographs, except as these records may be
12 relevant to the requester's current or potential case or
13 claim.

14 (f) Preliminary drafts, notes, recommendations,
15 memoranda, and other records in which opinions are
16 expressed, or policies or actions are formulated, except
17 that a specific record or relevant portion of a record
18 shall not be exempt when the record is publicly cited and
19 identified by the head of the public body. The exemption
20 provided in this paragraph (f) extends to all those
21 records of officers and agencies of the General Assembly
22 that pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial
24 information obtained from a person or business where the
25 trade secrets or commercial or financial information are
26 furnished under a claim that they are proprietary,

1 privileged, or confidential, and that disclosure of the
2 trade secrets or commercial or financial information would
3 cause competitive harm to the person or business, and only
4 insofar as the claim directly applies to the records
5 requested.

6 The information included under this exemption includes
7 all trade secrets and commercial or financial information
8 obtained by a public body, including a public pension
9 fund, from a private equity fund or a privately held
10 company within the investment portfolio of a private
11 equity fund as a result of either investing or evaluating
12 a potential investment of public funds in a private equity
13 fund. The exemption contained in this item does not apply
14 to the aggregate financial performance information of a
15 private equity fund, nor to the identity of the fund's
16 managers or general partners. The exemption contained in
17 this item does not apply to the identity of a privately
18 held company within the investment portfolio of a private
19 equity fund, unless the disclosure of the identity of a
20 privately held company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be
22 construed to prevent a person or business from consenting
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or
25 agreement, including information which if it were
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor
2 agreement with the body, until an award or final selection
3 is made. Information prepared by or for the body in
4 preparation of a bid solicitation shall be exempt until an
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,
7 designs, drawings, and research data obtained or produced
8 by any public body when disclosure could reasonably be
9 expected to produce private gain or public loss. The
10 exemption for "computer geographic systems" provided in
11 this paragraph (i) does not extend to requests made by
12 news media as defined in Section 2 of this Act when the
13 requested information is not otherwise exempt and the only
14 purpose of the request is to access and disseminate
15 information regarding the health, safety, welfare, or
16 legal rights of the general public.

17 (j) The following information pertaining to
18 educational matters:

19 (i) test questions, scoring keys, and other
20 examination data used to administer an academic
21 examination;

22 (ii) information received by a primary or
23 secondary school, college, or university under its
24 procedures for the evaluation of faculty members by
25 their academic peers;

26 (iii) information concerning a school or

1 university's adjudication of student disciplinary
2 cases, but only to the extent that disclosure would
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used
5 by faculty members.

6 (k) Architects' plans, engineers' technical
7 submissions, and other construction related technical
8 documents for projects not constructed or developed in
9 whole or in part with public funds and the same for
10 projects constructed or developed with public funds,
11 including, but not limited to, power generating and
12 distribution stations and other transmission and
13 distribution facilities, water treatment facilities,
14 airport facilities, sport stadiums, convention centers,
15 and all government owned, operated, or occupied buildings,
16 but only to the extent that disclosure would compromise
17 security.

18 (l) Minutes of meetings of public bodies closed to the
19 public as provided in the Open Meetings Act until the
20 public body makes the minutes available to the public
21 under Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an
23 attorney or auditor representing the public body that
24 would not be subject to discovery in litigation, and
25 materials prepared or compiled by or for a public body in
26 anticipation of a criminal, civil, or administrative

1 proceeding upon the request of an attorney advising the
2 public body, and materials prepared or compiled with
3 respect to internal audits of public bodies.

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

8 (o) Administrative or technical information associated
9 with automated data processing operations, including, but
10 not limited to, software, operating protocols, computer
11 program abstracts, file layouts, source listings, object
12 modules, load modules, user guides, documentation
13 pertaining to all logical and physical design of
14 computerized systems, employee manuals, and any other
15 information that, if disclosed, would jeopardize the
16 security of the system or its data or the security of
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters
19 between public bodies and their employees or
20 representatives, except that any final contract or
21 agreement shall be subject to inspection and copying.

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

25 (r) The records, documents, and information relating
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.
2 With regard to a parcel involved in a pending or actually
3 and reasonably contemplated eminent domain proceeding
4 under the Eminent Domain Act, records, documents, and
5 information relating to that parcel shall be exempt except
6 as may be allowed under discovery rules adopted by the
7 Illinois Supreme Court. The records, documents, and
8 information relating to a real estate sale shall be exempt
9 until a sale is consummated.

10 (s) Any and all proprietary information and records
11 related to the operation of an intergovernmental risk
12 management association or self-insurance pool or jointly
13 self-administered health and accident cooperative or pool.
14 Insurance or self-insurance (including any
15 intergovernmental risk management association or
16 self-insurance pool) claims, loss or risk management
17 information, records, data, advice, or communications.

18 (t) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions, insurance companies, or pharmacy benefit
23 managers, unless disclosure is otherwise required by State
24 law.

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to
2 be used to create electronic signatures under the Uniform
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and
5 response policies or plans that are designed to identify,
6 prevent, or respond to potential attacks upon a
7 community's population or systems, facilities, or
8 installations, but only to the extent that disclosure
9 could reasonably be expected to expose the vulnerability
10 or jeopardize the effectiveness of the measures, policies,
11 or plans, or the safety of the personnel who implement
12 them or the public. Information exempt under this item may
13 include such things as details pertaining to the
14 mobilization or deployment of personnel or equipment, to
15 the operation of communication systems or protocols, to
16 cybersecurity vulnerabilities, or to tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or
19 security of generation, transmission, distribution,
20 storage, gathering, treatment, or switching facilities
21 owned by a utility, by a power generator, or by the
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,
24 bids, or negotiations related to electric power
25 procurement under Section 1-75 of the Illinois Power
26 Agency Act and Section 16-111.5 of the Public Utilities

1 Act that is determined to be confidential and proprietary
2 by the Illinois Power Agency or by the Illinois Commerce
3 Commission.

4 (z) Information about students exempted from
5 disclosure under Section 10-20.38 or 34-18.29 of the
6 School Code, and information about undergraduate students
7 enrolled at an institution of higher education exempted
8 from disclosure under Section 25 of the Illinois Credit
9 Card Marketing Act of 2009.

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

12 (bb) Records and information provided to a mortality
13 review team and records maintained by a mortality review
14 team appointed under the Department of Juvenile Justice
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or
17 inurnments of human remains that are submitted to the
18 Cemetery Oversight Database under the Cemetery Care Act or
19 the Cemetery Oversight Act, whichever is applicable.

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

24 (ee) The names, addresses, or other personal
25 information of persons who are minors and are also
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations.

4 (ff) The names, addresses, or other personal
5 information of participants and registrants in programs of
6 park districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations where such programs are targeted primarily to
9 minors.

10 (gg) Confidential information described in Section
11 1-100 of the Illinois Independent Tax Tribunal Act of
12 2012.

13 (hh) The report submitted to the State Board of
14 Education by the School Security and Standards Task Force
15 under item (8) of subsection (d) of Section 2-3.160 of the
16 School Code and any information contained in that report.

17 (ii) Records requested by persons committed to or
18 detained by the Department of Human Services under the
19 Sexually Violent Persons Commitment Act or committed to
20 the Department of Corrections under the Sexually Dangerous
21 Persons Act if those materials: (i) are available in the
22 library of the facility where the individual is confined;
23 (ii) include records from staff members' personnel files,
24 staff rosters, or other staffing assignment information;
25 or (iii) are available through an administrative request
26 to the Department of Human Services or the Department of

1 Corrections.

2 (jj) Confidential information described in Section
3 5-535 of the Civil Administrative Code of Illinois.

4 (kk) The public body's credit card numbers, debit card
5 numbers, bank account numbers, Federal Employer
6 Identification Number, security code numbers, passwords,
7 and similar account information, the disclosure of which
8 could result in identity theft or impersonation or defrauding
9 of a governmental entity or a person.

10 (ll) Records concerning the work of the threat
11 assessment team of a school district, including, but not
12 limited to, any threat assessment procedure under the
13 School Safety Drill Act and any information contained in
14 the procedure.

15 (mm) Information prohibited from being disclosed under
16 subsections (a) and (b) of Section 15 of the Student
17 Confidential Reporting Act.

18 (nn) Proprietary information submitted to the
19 Environmental Protection Agency under the Drug Take-Back
20 Act.

21 (oo) Records described in subsection (f) of Section
22 3-5-1 of the Unified Code of Corrections.

23 (pp) Any and all information regarding burials,
24 interments, or entombments of human remains as required to
25 be reported to the Department of Natural Resources
26 pursuant either to the Archaeological and Paleontological

1 Resources Protection Act or the Human Remains Protection
2 Act.

3 (qq) Reports described in subsection (e) of Section
4 16-15 of the Abortion Care Clinical Training Program Act.

5 (rr) Information obtained by a certified local health
6 department under the Access to Public Health Data Act.

7 (ss) For a request directed to a public body that is
8 also a HIPAA-covered entity, all information that is
9 protected health information, including demographic
10 information, that may be contained within or extracted
11 from any record held by the public body in compliance with
12 State and federal medical privacy laws and regulations,
13 including, but not limited to, the Health Insurance
14 Portability and Accountability Act and its regulations, 45
15 CFR Parts 160 and 164. As used in this paragraph,
16 "HIPAA-covered entity" has the meaning given to the term
17 "covered entity" in 45 CFR 160.103 and "protected health
18 information" has the meaning given to that term in 45 CFR
19 160.103.

20 (tt) Proposals or bids submitted by engineering
21 consultants in response to requests for proposal or other
22 competitive bidding requests by the Department of
23 Transportation or the Illinois Toll Highway Authority.

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
10 public, except as stated in this Section or otherwise provided
11 in this Act.

12 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
13 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
14 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
15 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
16 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
17 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
18 eff. 7-1-24; 103-865, eff. 1-1-25.)

19 Section 10. The Illinois State Police Act is amended by
20 changing Section 46 as follows:

21 (20 ILCS 2610/46)

22 Sec. 46. Officer Professional Conduct Database; reporting,
23 transparency.

24 (a) The Illinois State Police Merit Board shall be

1 responsible for reporting all required information contained
2 in the Officer Professional Conduct Database provided in
3 Section 9.2 of the Illinois Police Training Act.

4 (b) Before the Illinois State Police Merit Board certifies
5 any Illinois State Police Cadet the Board shall conduct a
6 search of all Illinois State Police Cadet applicants in the
7 Officer Professional Conduct Database.

8 (c) The Illinois State Police Merit Board shall publish
9 the officer professional conduct database on its website so
10 that it is both searchable and viewable in its entirety by the
11 public and can be downloaded in its entirety as a
12 Comma-Separated Values (CSV) file. ~~The database, documents,~~
13 ~~materials, or other information in the possession or control~~
14 ~~of the Board that are obtained by or disclosed to the Board~~
15 ~~pursuant to this subsection shall be confidential by law and~~
16 ~~privileged, shall not be subject to subpoena, and shall not be~~
17 ~~subject to discovery or admissible in evidence in any private~~
18 ~~civil action. However, the Board is authorized to use such~~
19 ~~documents, materials, or other information in furtherance of~~
20 ~~any regulatory or legal action brought as part of the Board's~~
21 ~~official duties. Unless otherwise required by law, the Board~~
22 ~~shall not disclose the database or make such documents,~~
23 ~~materials, or other information public without the prior~~
24 ~~written consent of the law enforcement agency and the law~~
25 ~~enforcement officer. The Board nor any person who received~~
26 ~~documents, materials or other information shared pursuant to~~

1 ~~this subsection shall be required to testify in any private~~
2 ~~civil action concerning the database or any confidential~~
3 ~~documents, materials, or information subject to this~~
4 ~~subsection.~~

5 Nothing in this Section shall exempt a law enforcement
6 agency from which the Board has obtained data, documents,
7 materials, or other information or that has disclosed data,
8 documents, materials, or other information to the Board from
9 disclosing public records in accordance with the Freedom of
10 Information Act.

11 (Source: P.A. 102-694, eff. 1-7-22; 102-813, eff. 5-13-22;
12 103-154, eff. 6-30-23.)

13 Section 15. The Illinois Police Training Act is amended by
14 changing Sections 6.2 and 9.2 as follows:

15 (50 ILCS 705/6.2)

16 Sec. 6.2. Officer professional conduct database. In order
17 to ensure the continuing effectiveness of this Section, it is
18 set forth in full and reenacted by this amendatory Act of the
19 102nd General Assembly. This reenactment is intended as a
20 continuation of this Section. This reenactment is not intended
21 to supersede any amendment to this Section that may be made by
22 any other Public Act of the 102nd General Assembly.

23 (a) All law enforcement agencies shall notify the Board of
24 any final determination of willful violation of department or

1 agency policy, official misconduct, or violation of law when:

2 (1) the officer is discharged or dismissed as a result
3 of the violation; or

4 (2) the officer resigns during the course of an
5 investigation and after the officer has been served notice
6 that he or she is under investigation that is based on the
7 commission of any felony or sex offense.

8 The agency shall report to the Board within 30 days of a
9 final decision of discharge or dismissal and final exhaustion
10 of any appeal, or resignation, and shall provide information
11 regarding the nature of the violation.

12 (b) Upon receiving notification from a law enforcement
13 agency, the Board must notify the law enforcement officer of
14 the report and his or her right to provide a statement
15 regarding the reported violation.

16 (c) The Board shall maintain a database that is readily
17 available to the public, ~~to~~ any chief administrative officer,
18 ~~or his or her designee,~~ of a law enforcement agency or the
19 chief administrative officer's designee, and ~~or~~ any State's
20 Attorney and that shall show each reported instance, including
21 the name of the officer, the nature of the violation, reason
22 for the final decision of discharge or dismissal, and any
23 statement provided by the officer.

24 (Source: P.A. 101-652, eff. 7-1-21. Repealed by P.A. 101-652,
25 Article 25, Section 25-45, eff. 1-1-22; 102-694, eff. 1-7-22.
26 Reenacted and changed by 102-694, eff. 1-7-22.)

1 (50 ILCS 705/9.2)

2 Sec. 9.2. Officer professional conduct database;
3 transparency.

4 (a) All law enforcement agencies and the Illinois State
5 Police shall notify the Board of any final determination of a
6 willful violation of department, agency, or the Illinois State
7 Police policy, official misconduct, or violation of law within
8 10 days when:

9 (1) the determination leads to a suspension of at
10 least 10 days;

11 (2) any infraction that would trigger an official or
12 formal investigation under a law enforcement agency or the
13 Illinois State Police policy;

14 (3) there is an allegation of misconduct or regarding
15 truthfulness as to a material fact, bias, or integrity; or

16 (4) the officer resigns or retires during the course
17 of an investigation and the officer has been served notice
18 that the officer is under investigation.

19 Agencies and the Illinois State Police may report to the
20 Board any conduct they deem appropriate to disseminate to
21 another law enforcement agency regarding a law enforcement
22 officer.

23 The agency or the Illinois State Police shall report to
24 the Board within 10 days of a final determination and final
25 exhaustion of any administrative appeal, or the law

1 enforcement officer's resignation or retirement, and shall
2 provide information regarding the nature of the violation.
3 This notification shall not necessarily trigger certification
4 review.

5 A law enforcement agency and the Illinois State Police
6 shall be immune from liability for a disclosure made as
7 described in this subsection, unless the disclosure would
8 constitute intentional misrepresentation or gross negligence.

9 (b) Within 14 days after receiving notification from a law
10 enforcement agency or the Illinois State Police, the Board
11 must notify the law enforcement officer of the report and the
12 officer's right to provide a statement regarding the reported
13 violation. The law enforcement officer shall have 14 days from
14 receiving notice to provide a written objection contesting
15 information included in the agency's report. The objection
16 must be filed with the Board on a form prescribed by the Board
17 and a copy must be served on the law enforcement agency. The
18 objection shall remain in the database with the reported
19 violation.

20 (c) The Board shall maintain a database that is readily
21 available to the public, ~~to~~ any chief administrative officer,
22 ~~or the officer's designee,~~ of a law enforcement agency or the
23 chief administrative officer's designee, and the Illinois
24 State Police and that shall show for each law enforcement
25 officer: (i) dates of certification, decertification, and
26 inactive status; (ii) each sustained instance of departmental

1 misconduct that lead to a suspension at least 10 days or any
2 infraction that would trigger an official or formal
3 investigation under the law enforcement agency policy, any
4 allegation of misconduct regarding truthfulness as to a
5 material fact, bias, or integrity, or any other reported
6 violation, the nature of the violation, the reason for the
7 final decision of discharge or dismissal, and any statement
8 provided by the officer; (iii) date of separation from
9 employment from any local or state law enforcement agency;
10 (iv) the reason for separation from employment, including, but
11 not limited to: whether the separation was based on misconduct
12 or occurred while the law enforcement agency was conducting an
13 investigation of the certified individual for a violation of
14 an employing agency's rules, policy or procedure or other
15 misconduct or improper action.

16 (1) This database shall also be accessible to the
17 State's Attorney of any county in this State and the
18 Attorney General for the purpose of complying with
19 obligations under *Brady v. Maryland* (373 U.S. 83) or
20 *Giglio v. United States* (405 U.S. 150). This database
21 shall also be accessible to the chief administrative
22 officer of any law enforcement agency for the purposes of
23 hiring law enforcement officers. This database shall not
24 be accessible to anyone not listed in this subsection.

25 (2) Before a law enforcement agency may appoint a law
26 enforcement officer or a person seeking a certification as

1 a law enforcement officer in this State, the chief
2 administrative officer or designee must check the Officer
3 Professional Conduct Database, contact each person's
4 previous law enforcement employers, and document the
5 contact. This documentation must be available for review
6 by the Board for a minimum of five years after the law
7 enforcement officer's termination, retirement,
8 resignation or separation with that agency.

9 (3) (Blank). ~~The database, documents, materials, or~~
10 ~~other information in the possession or control of the~~
11 ~~Board that are obtained by or disclosed to the Board under~~
12 ~~this subsection shall be confidential by law and~~
13 ~~privileged, shall not be subject to subpoena, and shall~~
14 ~~not be subject to discovery or admissible in evidence in~~
15 ~~any private civil action when sought from the Board.~~
16 ~~However, the Board is authorized to use such documents,~~
17 ~~materials, or other information in furtherance of any~~
18 ~~regulatory or legal action brought as part of the Board's~~
19 ~~official duties. The Board shall not disclose the database~~
20 ~~or make such documents, materials, or other information it~~
21 ~~has obtained or that has been disclosed to it to the~~
22 ~~public. Neither the Board nor any person who received~~
23 ~~documents, materials or other information shared under~~
24 ~~this subsection shall be required to testify in any~~
25 ~~private civil action concerning the database or any~~
26 ~~confidential documents, materials, or information subject~~

1 ~~to this subsection.~~

2 (d) The Board shall maintain a searchable database of law
3 enforcement officers accessible to the public that shall
4 include: (i) the law enforcement officer's employing agency;
5 (ii) the date of the officer's initial certification and the
6 officer's current certification status; and (iii) any
7 sustained complaint of misconduct that resulted in
8 decertification and the date thereof; provided, however, that
9 information shall not be included in the database that would
10 allow the public to ascertain the home address of an officer or
11 another person; provided further, that information regarding
12 an officer's or another person's family member shall not be
13 included in the database. The Board shall make the database
14 publicly available on its website.

15 (e) The Board shall maintain a searchable database of all
16 completed investigations against law enforcement officers
17 related to decertification. The database shall identify each
18 law enforcement officer ~~by a confidential and anonymous number~~
19 and include: (i) the law enforcement officer's employing
20 agency; (ii) the date of the incident referenced in the
21 complaint; (iii) the location of the incident; (iv) the race
22 and ethnicity of each officer involved in the incident; (v)
23 the age, gender, race and ethnicity of each person involved in
24 the incident, if known; (vi) whether a person in the
25 complaint, including a law enforcement officer, was injured,
26 received emergency medical care, was hospitalized or died as a

1 result of the incident; (vii) the law enforcement agency or
2 other entity assigned to conduct an investigation of the
3 incident; (viii) when the investigation was completed; (ix)
4 whether the complaint was sustained; and (x) the type of
5 misconduct investigated; provided, however, that the Board
6 shall redact or withhold such information as necessary to
7 prevent the disclosure of the identity of an officer. The
8 Board shall make the database publicly available on its
9 website.

10 (e-1) An investigation is complete when the investigation
11 has either been terminated or the decertification action,
12 including the administrative review process, has been
13 completed, whichever is later.

14 (e-2) At any time, a law enforcement officer shall have
15 access to the law enforcement officer's own records on file
16 with the Board, as it pertains to the databases in this
17 Section.

18 (f) Annual report. The Board shall submit an annual report
19 to the Governor, Attorney General, President and Minority
20 Leader of the Senate, and the Speaker and Minority Leader of
21 the House of Representatives on or before March 1, 2023, and
22 every year thereafter indicating:

23 (1) the number of complaints received in the preceding
24 calendar year, including but not limited to the race,
25 gender, and type of discretionary decertification
26 complaints received;

1 (2) the number of investigations initiated in the
2 preceding calendar year since the date of the last report;

3 (3) the number of investigations concluded in the
4 preceding calendar year;

5 (4) the number of investigations pending as of the
6 last date of the preceding calendar year;

7 (5) the number of hearings held in the preceding
8 calendar year; and

9 (6) the number of officers decertified in the
10 preceding calendar year.

11 The annual report shall be publicly available on the
12 website of the Board.

13 (g) Nothing in this Section shall exempt a law enforcement
14 agency from which the Board has obtained data, documents,
15 materials, or other information or that has disclosed data,
16 documents, materials, or other information to the Board from
17 disclosing public records in accordance with the Freedom of
18 Information Act.

19 (h) Notwithstanding any provision of law to the contrary,
20 the changes made to this Section by this amendatory Act of the
21 102nd General Assembly and Public Act 101-652 take effect July
22 1, 2022.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)