



Rep. Daniel Didech

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10400HB4444ham001

LRB104 16721 BDA 34474 a

1 AMENDMENT TO HOUSE BILL 4444

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4444 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Section 6 as follows:

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

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in  
9 an electronic format, the public body shall furnish it in the  
10 electronic format specified by the requester, if feasible. If  
11 it is not feasible to furnish the public records in the  
12 specified electronic format, then the public body shall  
13 furnish it in the format in which it is maintained by the  
14 public body, or in paper format at the option of the requester.  
15 A public body may charge the requester for the actual cost of  
16 purchasing the recording medium, whether disc, diskette, tape,

1 or other medium. ~~If a request is not a request for a commercial~~  
2 ~~purpose or a voluminous request, a public body may not charge~~  
3 ~~the requester for the costs of any search for and review of the~~  
4 ~~records or other personnel costs associated with reproducing~~  
5 ~~the records.~~ Except to the extent that the General Assembly  
6 expressly provides, statutory fees applicable to copies of  
7 public records when furnished in a paper format shall not be  
8 applicable to those records when furnished in an electronic  
9 format.

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

24 If a public body imposes a fee pursuant to this subsection  
25 (a-5), it must provide the requester with an accounting of all  
26 fees, costs, and personnel hours in connection with the

1 request for public records.

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

22 (c) Documents shall be furnished without charge or at a  
23 reduced charge, as determined by the public body, if the  
24 person requesting the documents states the specific purpose  
25 for the request and indicates that a waiver or reduction of the  
26 fee is in the public interest. Waiver or reduction of the fee

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

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

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

20 (f) A public body may charge the actual cost ~~up to \$10~~ for  
21 each hour spent by personnel in searching for and retrieving a  
22 requested record or examining the record for necessary  
23 redactions. No fees shall be charged for the first 2 ~~3~~ hours  
24 spent by personnel in searching for or retrieving a requested  
25 record. A public body may charge the actual cost of retrieving  
26 and transporting public records from an off-site storage

1 facility when the public records are maintained by a  
2 third-party storage company under contract with the public  
3 body. If a public body imposes a fee pursuant to this  
4 subsection (f), it must provide the requester with an  
5 accounting of all fees, costs, and personnel hours in  
6 connection with the request for public records. ~~The provisions~~  
7 ~~of this subsection (f) apply only to commercial requests.~~  
8 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)".