



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4888

by Rep. Janet Yang Rohr

#### SYNOPSIS AS INTRODUCED:

|                |                           |
|----------------|---------------------------|
| 50 ILCS 205/3  | from Ch. 116, par. 43.103 |
| 50 ILCS 205/7  | from Ch. 116, par. 43.107 |
| 50 ILCS 205/10 | from Ch. 116, par. 43.110 |

Amends the Local Records Act. Provides that, except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless in compliance with an application for authority to dispose of local records (rather than unless the written approval of the appropriate Local Records Commission is first obtained). Defines "application for authority to dispose of local records".

LRB104 18197 RTM 31636 b

1 AN ACT concerning local government.

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

4 Section 5. The Local Records Act is amended by changing  
5 Sections 3, 7, and 10 as follows:

6 (50 ILCS 205/3) (from Ch. 116, par. 43.103)

7 Sec. 3. Except where the context indicates otherwise, the  
8 terms used in this Act are defined as follows:

9 "Agency" means any court, and all parts, boards,  
10 departments, bureaus and commissions of any county, municipal  
11 corporation or political subdivision.

12 "Application for authority to dispose of local records"  
13 means an Agency-specific document that is created and approved  
14 by a commission and that provides a listing of all public  
15 records held by the Agency and their required retention  
16 timeframes.

17 "Archivist" means the Secretary of State.

18 "Born-digital electronic material" means electronic  
19 material created in digital form rather than converted from  
20 print or analog form to digital form.

21 "Commission" means a Local Records Commission.

22 "Court" means a court, other than the Supreme Court.

23 "Digitized electronic material" means electronic material

1 converted from print or analog form to digital form.

2 "Junk mail" means (i) any unsolicited commercial mail sent  
3 to a public body and not responded to by an official, employee,  
4 or agent of the public body or (ii) any unsolicited commercial  
5 electronic communication sent to a public body and not  
6 responded to by an official, employee, or agent of the public  
7 body.

8 "Officer" means any elected or appointed official of a  
9 court, county, municipal corporation or political subdivision.

10 "Public record" means any book, paper, map, photograph,  
11 born-digital electronic material, digitized electronic  
12 material, electronic material with a combination of digitized  
13 and born-digital material, or other official documentary  
14 material, regardless of physical form or characteristics,  
15 made, produced, executed or received by any agency or officer  
16 pursuant to law or in connection with the transaction of  
17 public business and preserved or appropriate for preservation  
18 by such agency or officer, or any successor thereof, as  
19 evidence of the organization, function, policies, decisions,  
20 procedures, or other activities thereof, or because of the  
21 informational data contained therein. Library and museum  
22 material made or acquired and preserved solely for reference  
23 or exhibition purposes, extra copies of documents preserved  
24 only for convenience of reference, stocks of publications and  
25 of processed documents, and junk mail are not included within  
26 the definition of public record. Paper copies of registration

1 records, as defined in Section 1 of the Library Records  
2 Confidentiality Act (75 ILCS 70/1), shall not be considered  
3 public records once the information contained in the paper  
4 registration records is transferred into a secure electronic  
5 format and checked for accuracy.

6 (Source: P.A. 104-438, eff. 1-1-26.)

7 (50 ILCS 205/7) (from Ch. 116, par. 43.107)

8 Sec. 7. Disposition rules. Except as otherwise provided by  
9 law, no public record shall be disposed of by any officer or  
10 agency unless in compliance with an application for authority  
11 to dispose of local records ~~the written approval of the~~  
12 ~~appropriate Local Records Commission is first obtained.~~

13 The Commission shall issue regulations which shall be  
14 binding on all such officers. Such regulations shall establish  
15 procedures for notifying ~~compiling and submitting to~~ the  
16 Commission ~~lists and schedules~~ of public records disposed of  
17 in compliance with the application for authority to dispose of  
18 local records ~~proposed for disposal~~; procedures for the  
19 physical destruction or other disposition of such public  
20 records; procedures for the management and preservation of  
21 electronically generated and maintained records; and standards  
22 for the reproduction of such public records by photography,  
23 microphotographic processes, or digitized electronic format.  
24 Such standards shall relate to the quality of the film to be  
25 used, preparation of the public records for filming or

1 electronic conversion, proper identification matter on such  
2 records so that an individual document or series of documents  
3 can be located on the film or digitized electronic form with  
4 reasonable facility, and that the copies contain all  
5 significant record detail, to the end that the copies will be  
6 adequate. Any public record may be reproduced in a microfilm  
7 or digitized electronic format. The agency may dispose of the  
8 original of any reproduced record providing: (i) the  
9 reproduction process forms a durable medium that accurately  
10 and legibly reproduces the original record in all details,  
11 that does not permit additions, deletions, or changes to the  
12 original document images, and, if electronic, that are  
13 retained in a trustworthy manner so that the records, and the  
14 information contained in the records, are accessible and  
15 usable for subsequent reference at all times while the  
16 information must be retained, (ii) the reproduction is  
17 retained for the prescribed retention period, and (iii) the  
18 Commission is notified when the original record is disposed of  
19 and also when the reproduced record is disposed of.

20 Such regulations shall also provide that the State  
21 archivist may retain any records which the Commission has  
22 authorized to be destroyed, where they have a historical  
23 value, and that the State archivist may deposit them in the  
24 State Archives, State Historical Library, or a university  
25 library, or with a historical society, museum, or library.

26 (Source: P.A. 99-147, eff. 1-1-16.)

1 (50 ILCS 205/10) (from Ch. 116, par. 43.110)

2 Sec. 10. The head of each agency shall submit to the  
3 appropriate Commission, in accordance with the regulations of  
4 the Commission, lists or schedules of public records in his  
5 custody that are not needed in the transaction of current  
6 business and that do not have sufficient administrative, legal  
7 or fiscal value to warrant their further preservation. The  
8 head of each agency shall also submit lists or schedules  
9 proposing the length of time each records series warrants  
10 retention for administrative, legal or fiscal purposes after  
11 it has been received by the agency. The Commission shall  
12 determine what public records have no administrative, legal,  
13 research or historical value and should be destroyed or  
14 otherwise disposed of and shall authorize destruction or other  
15 disposal thereof. No public record shall be destroyed or  
16 otherwise disposed of in a manner contrary to law, and no  
17 public record shall be destroyed or otherwise disposed of by  
18 any Local Records Commission if not in compliance with the  
19 application for authority to dispose of local records ~~on its~~  
20 ~~own initiative, nor contrary to law.~~ This Section shall not  
21 apply to court records as governed by Section 4 of this Act.

22 (Source: P.A. 85-1278.)