



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0105

Introduced 1/17/2025, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 120/2.02	from Ch. 102, par. 42.02
5 ILCS 120/2.07 new	

Amends the Open Meetings Act. Provides that for a 3-member body, 2 members of the body constitute a quorum, and the affirmative vote of 2 members is necessary to adopt any motion, resolution, or ordinance unless a greater number is otherwise provided. Provides that a Chicago Police District Council may hold a closed meeting involving public safety concerns to discuss (i) an ongoing, prior, or future law enforcement or official misconduct investigation or allegation thereof involving specific individuals or (ii) other topics that if discussed in an open meeting would pose an unreasonable risk to an ongoing criminal investigation or an unreasonable risk to the safety of specific individuals. Provides that an agenda for each regular meeting of a public body must be posted the principal office of the public body if such an office exists. Provides that if a public body has a website that is maintained by its full-time staff but does not have a principal office or single building where meetings are regularly held, that body is deemed to have complied with the requirement to post physical notice at the office or building of the meeting if the notice is timely posted on the public body's website. Excludes from the definition of "meeting" for a Chicago Police District Council a gathering of 2 members, except if gathered for a regularly scheduled meeting or otherwise gathered to adopt any motion, resolution, or ordinance. Provides a Chicago Police District Council may hold meetings by audio or video conference without the physical presence of the members under certain conditions except for required regularly scheduled meetings.

LRB104 06549 BDA 16585 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 Open Meetings Act is amended by changing
5 Sections 1.02, 2, and 2.02 and by adding Section 2.07 as
6 follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering, whether in person or by
10 video or audio conference, telephone call, electronic means
11 (such as, without limitation, electronic mail, electronic
12 chat, and instant messaging), or other means of
13 contemporaneous interactive communication, of a majority of a
14 quorum of the members of a public body held for the purpose of
15 discussing public business or, for a 5-member public body, a
16 quorum of the members of a public body held for the purpose of
17 discussing public business.

18 Accordingly, for a 5-member public body, 3 members of the
19 body constitute a quorum and the affirmative vote of 3 members
20 is necessary to adopt any motion, resolution, or ordinance,
21 unless a greater number is otherwise required. For a 3-member
22 body, 2 members of the body constitute a quorum and the
23 affirmative vote of 2 members is necessary to adopt any

1 motion, resolution, or ordinance, unless a greater number is
2 otherwise provided.

3 "Public body" includes all legislative, executive,
4 administrative or advisory bodies of the State, counties,
5 townships, cities, villages, incorporated towns, school
6 districts and all other municipal corporations, boards,
7 bureaus, committees or commissions of this State, and any
8 subsidiary bodies of any of the foregoing including but not
9 limited to committees and subcommittees which are supported in
10 whole or in part by tax revenue, or which expend tax revenue,
11 except the General Assembly and committees or commissions
12 thereof. "Public body" includes tourism boards and convention
13 or civic center boards located in counties that are contiguous
14 to the Mississippi River with populations of more than 250,000
15 but less than 300,000. "Public body" includes the Health
16 Facilities and Services Review Board. "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, an ethics commission acting under the
20 State Officials and Employees Ethics Act, a regional youth
21 advisory board or the Statewide Youth Advisory Board
22 established under the Department of Children and Family
23 Services Statewide Youth Advisory Board Act, the Illinois
24 Independent Tax Tribunal, or the regional interagency fatality
25 review teams and the Illinois Fatality Review Team Advisory
26 Council established under the Adult Protective Services Act.

1 (Source: P.A. 103-626, eff. 1-1-25.)

2 (5 ILCS 120/2) (from Ch. 102, par. 42)

3 Sec. 2. Open meetings.

4 (a) Openness required. All meetings of public bodies shall
5 be open to the public unless excepted in subsection (c) and
6 closed in accordance with Section 2a.

7 (b) Construction of exceptions. The exceptions contained
8 in subsection (c) are in derogation of the requirement that
9 public bodies meet in the open, and therefore, the exceptions
10 are to be strictly construed, extending only to subjects
11 clearly within their scope. The exceptions authorize but do
12 not require the holding of a closed meeting to discuss a
13 subject included within an enumerated exception.

14 (c) Exceptions. A public body may hold closed meetings to
15 consider the following subjects:

16 (1) The appointment, employment, compensation,
17 discipline, performance, or dismissal of specific
18 employees, specific individuals who serve as independent
19 contractors in a park, recreational, or educational
20 setting, or specific volunteers of the public body or
21 legal counsel for the public body, including hearing
22 testimony on a complaint lodged against an employee, a
23 specific individual who serves as an independent
24 contractor in a park, recreational, or educational
25 setting, or a volunteer of the public body or against

1 legal counsel for the public body to determine its
2 validity. However, a meeting to consider an increase in
3 compensation to a specific employee of a public body that
4 is subject to the Local Government Wage Increase
5 Transparency Act may not be closed and shall be open to the
6 public and posted and held in accordance with this Act.

7 (2) Collective negotiating matters between the public
8 body and its employees or their representatives, or
9 deliberations concerning salary schedules for one or more
10 classes of employees.

11 (3) The selection of a person to fill a public office,
12 as defined in this Act, including a vacancy in a public
13 office, when the public body is given power to appoint
14 under law or ordinance, or the discipline, performance or
15 removal of the occupant of a public office, when the
16 public body is given power to remove the occupant under
17 law or ordinance.

18 (4) Evidence or testimony presented in open hearing,
19 or in closed hearing where specifically authorized by law,
20 to a quasi-adjudicative body, as defined in this Act,
21 provided that the body prepares and makes available for
22 public inspection a written decision setting forth its
23 determinative reasoning.

24 (4.5) Evidence or testimony presented to a school
25 board regarding denial of admission to school events or
26 property pursuant to Section 24-24 of the School Code,

1 provided that the school board prepares and makes
2 available for public inspection a written decision setting
3 forth its determinative reasoning.

4 (4.7) A meeting held by a Police District Council,
5 created under Section 2-80-070 of the Municipal Code of
6 Chicago, in which an issue of public safety concerns: (i)
7 an ongoing, prior, or future law enforcement or official
8 misconduct investigation, or allegation thereof, involving
9 specific individuals; or (ii) other topics that if
10 discussed in an open meeting would pose an unreasonable
11 risk to an ongoing criminal investigation or an
12 unreasonable risk to the safety of specific individuals.

13 (5) The purchase or lease of real property for the use
14 of the public body, including meetings held for the
15 purpose of discussing whether a particular parcel should
16 be acquired.

17 (6) The setting of a price for sale or lease of
18 property owned by the public body.

19 (7) The sale or purchase of securities, investments,
20 or investment contracts. This exception shall not apply to
21 the investment of assets or income of funds deposited into
22 the Illinois Prepaid Tuition Trust Fund.

23 (8) Security procedures, school building safety and
24 security, and the use of personnel and equipment to
25 respond to an actual, a threatened, or a reasonably
26 potential danger to the safety of employees, students,

1 staff, the public, or public property.

2 (9) Student disciplinary cases.

3 (10) The placement of individual students in special
4 education programs and other matters relating to
5 individual students.

6 (11) Litigation, when an action against, affecting or
7 on behalf of the particular public body has been filed and
8 is pending before a court or administrative tribunal, or
9 when the public body finds that an action is probable or
10 imminent, in which case the basis for the finding shall be
11 recorded and entered into the minutes of the closed
12 meeting.

13 (12) The establishment of reserves or settlement of
14 claims as provided in the Local Governmental and
15 Governmental Employees Tort Immunity Act, if otherwise the
16 disposition of a claim or potential claim might be
17 prejudiced, or the review or discussion of claims, loss or
18 risk management information, records, data, advice or
19 communications from or with respect to any insurer of the
20 public body or any intergovernmental risk management
21 association or self insurance pool of which the public
22 body is a member.

23 (13) Conciliation of complaints of discrimination in
24 the sale or rental of housing, when closed meetings are
25 authorized by the law or ordinance prescribing fair
26 housing practices and creating a commission or

1 administrative agency for their enforcement.

2 (14) Informant sources, the hiring or assignment of
3 undercover personnel or equipment, or ongoing, prior or
4 future criminal investigations, when discussed by a public
5 body with criminal investigatory responsibilities.

6 (15) Professional ethics or performance when
7 considered by an advisory body appointed to advise a
8 licensing or regulatory agency on matters germane to the
9 advisory body's field of competence.

10 (16) Self evaluation, practices and procedures or
11 professional ethics, when meeting with a representative of
12 a statewide association of which the public body is a
13 member.

14 (17) The recruitment, credentialing, discipline or
15 formal peer review of physicians or other health care
16 professionals, or for the discussion of matters protected
17 under the federal Patient Safety and Quality Improvement
18 Act of 2005, and the regulations promulgated thereunder,
19 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
20 Health Insurance Portability and Accountability Act of
21 1996, and the regulations promulgated thereunder,
22 including 45 C.F.R. Parts 160, 162, and 164, by a
23 hospital, or other institution providing medical care,
24 that is operated by the public body.

25 (18) Deliberations for decisions of the Prisoner
26 Review Board.

1 (19) Review or discussion of applications received
2 under the Experimental Organ Transplantation Procedures
3 Act.

4 (20) The classification and discussion of matters
5 classified as confidential or continued confidential by
6 the State Government Suggestion Award Board.

7 (21) Discussion of minutes of meetings lawfully closed
8 under this Act, whether for purposes of approval by the
9 body of the minutes or semi-annual review of the minutes
10 as mandated by Section 2.06.

11 (22) Deliberations for decisions of the State
12 Emergency Medical Services Disciplinary Review Board.

13 (23) The operation by a municipality of a municipal
14 utility or the operation of a municipal power agency or
15 municipal natural gas agency when the discussion involves
16 (i) contracts relating to the purchase, sale, or delivery
17 of electricity or natural gas or (ii) the results or
18 conclusions of load forecast studies.

19 (24) Meetings of a residential health care facility
20 resident sexual assault and death review team or the
21 Executive Council under the Abuse Prevention Review Team
22 Act.

23 (25) Meetings of an independent team of experts under
24 Brian's Law.

25 (26) Meetings of a mortality review team appointed
26 under the Department of Juvenile Justice Mortality Review

1 Team Act.

2 (27) (Blank).

3 (28) Correspondence and records (i) that may not be
4 disclosed under Section 11-9 of the Illinois Public Aid
5 Code or (ii) that pertain to appeals under Section 11-8 of
6 the Illinois Public Aid Code.

7 (29) Meetings between internal or external auditors
8 and governmental audit committees, finance committees, and
9 their equivalents, when the discussion involves internal
10 control weaknesses, identification of potential fraud risk
11 areas, known or suspected frauds, and fraud interviews
12 conducted in accordance with generally accepted auditing
13 standards of the United States of America.

14 (30) (Blank).

15 (31) Meetings and deliberations for decisions of the
16 Concealed Carry Licensing Review Board under the Firearm
17 Concealed Carry Act.

18 (32) Meetings between the Regional Transportation
19 Authority Board and its Service Boards when the discussion
20 involves review by the Regional Transportation Authority
21 Board of employment contracts under Section 28d of the
22 Metropolitan Transit Authority Act and Sections 3A.18 and
23 3B.26 of the Regional Transportation Authority Act.

24 (33) Those meetings or portions of meetings of the
25 advisory committee and peer review subcommittee created
26 under Section 320 of the Illinois Controlled Substances

1 Act during which specific controlled substance prescriber,
2 dispenser, or patient information is discussed.

3 (34) Meetings of the Tax Increment Financing Reform
4 Task Force under Section 2505-800 of the Department of
5 Revenue Law of the Civil Administrative Code of Illinois.

6 (35) Meetings of the group established to discuss
7 Medicaid capitation rates under Section 5-30.8 of the
8 Illinois Public Aid Code.

9 (36) Those deliberations or portions of deliberations
10 for decisions of the Illinois Gaming Board in which there
11 is discussed any of the following: (i) personal,
12 commercial, financial, or other information obtained from
13 any source that is privileged, proprietary, confidential,
14 or a trade secret; or (ii) information specifically
15 exempted from the disclosure by federal or State law.

16 (37) Deliberations for decisions of the Illinois Law
17 Enforcement Training Standards Board, the Certification
18 Review Panel, and the Illinois State Police Merit Board
19 regarding certification and decertification.

20 (38) Meetings of the Ad Hoc Statewide Domestic
21 Violence Fatality Review Committee of the Illinois
22 Criminal Justice Information Authority Board that occur in
23 closed executive session under subsection (d) of Section
24 35 of the Domestic Violence Fatality Review Act.

25 (39) Meetings of the regional review teams under
26 subsection (a) of Section 75 of the Domestic Violence

1 Fatality Review Act.

2 (40) Meetings of the Firearm Owner's Identification
3 Card Review Board under Section 10 of the Firearm Owners
4 Identification Card Act.

5 (d) Definitions. For purposes of this Section:

6 "Employee" means a person employed by a public body whose
7 relationship with the public body constitutes an
8 employer-employee relationship under the usual common law
9 rules, and who is not an independent contractor.

10 "Public office" means a position created by or under the
11 Constitution or laws of this State, the occupant of which is
12 charged with the exercise of some portion of the sovereign
13 power of this State. The term "public office" shall include
14 members of the public body, but it shall not include
15 organizational positions filled by members thereof, whether
16 established by law or by a public body itself, that exist to
17 assist the body in the conduct of its business.

18 "Quasi-judicative body" means an administrative body
19 charged by law or ordinance with the responsibility to conduct
20 hearings, receive evidence or testimony and make
21 determinations based thereon, but does not include local
22 electoral boards when such bodies are considering petition
23 challenges.

24 (e) Final action. No final action may be taken at a closed
25 meeting. Final action shall be preceded by a public recital of
26 the nature of the matter being considered and other

1 information that will inform the public of the business being
2 conducted.

3 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
4 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
5 7-28-23; 103-626, eff. 1-1-25.)

6 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

7 Sec. 2.02. Public notice of all meetings, whether open or
8 closed to the public, shall be given as follows:

9 (a) Every public body shall give public notice of the
10 schedule of regular meetings at the beginning of each calendar
11 or fiscal year and shall state the regular dates, times, and
12 places of such meetings. An agenda for each regular meeting
13 shall be posted at the principal office of the public body, if
14 such an office exists, and at the location where the meeting is
15 to be held at least 48 hours in advance of the holding of the
16 meeting. A public body that has a website that the full-time
17 staff of the public body maintains shall also post on its
18 website the agenda of any regular meetings of the governing
19 body of that public body. Any agenda of a regular meeting that
20 is posted on a public body's website shall remain posted on the
21 website until the regular meeting is concluded. The
22 requirement of a regular meeting agenda shall not preclude the
23 consideration of items not specifically set forth in the
24 agenda. Public notice of any special meeting except a meeting
25 held in the event of a bona fide emergency, or of any

1 rescheduled regular meeting, or of any reconvened meeting,
2 shall be given at least 48 hours before such meeting, which
3 notice shall also include the agenda for the special,
4 rescheduled, or reconvened meeting, but the validity of any
5 action taken by the public body which is germane to a subject
6 on the agenda shall not be affected by other errors or
7 omissions in the agenda. The requirement of public notice of
8 reconvened meetings does not apply to any case where the
9 meeting was open to the public and (1) it is to be reconvened
10 within 24 hours, or (2) an announcement of the time and place
11 of the reconvened meeting was made at the original meeting and
12 there is no change in the agenda. Notice of an emergency
13 meeting shall be given as soon as practicable, but in any event
14 prior to the holding of such meeting, to any news medium which
15 has filed an annual request for notice under subsection (b) of
16 this Section.

17 (b) Public notice shall be given by posting a copy of the
18 notice at the principal office of the body holding the meeting
19 or, if no such office exists, at the building in which the
20 meeting is to be held. In addition, a public body that has a
21 website that the full-time staff of the public body maintains
22 shall post notice on its website of all meetings of the
23 governing body of the public body. If a public body has a
24 website that is maintained by its full-time staff but does not
25 have a principal office or single building where meetings are
26 regularly held, that body shall be deemed to have complied

1 with the requirement to post physical notice at the office or
2 building of the meeting if the notice is timely posted on that
3 public body's website. The public body must comply with all
4 other notice requirements set forth in this Act. Any notice of
5 an annual schedule of meetings shall remain on the website
6 until a new public notice of the schedule of regular meetings
7 is approved. Any notice of a regular meeting that is posted on
8 a public body's website shall remain posted on the website
9 until the regular meeting is concluded. The body shall supply
10 copies of the notice of its regular meetings, and of the notice
11 of any special, emergency, rescheduled or reconvened meeting,
12 to any news medium that has filed an annual request for such
13 notice. Any such news medium shall also be given the same
14 notice of all special, emergency, rescheduled or reconvened
15 meetings in the same manner as is given to members of the body
16 provided such news medium has given the public body an address
17 or telephone number within the territorial jurisdiction of the
18 public body at which such notice may be given. The failure of a
19 public body to post on its website notice of any meeting or the
20 agenda of any meeting shall not invalidate any meeting or any
21 actions taken at a meeting.

22 (c) Any agenda required under this Section shall set forth
23 the general subject matter of any resolution or ordinance that
24 will be the subject of final action at the meeting. The public
25 body conducting a public meeting shall ensure that at least
26 one copy of any requested notice and agenda for the meeting is

1 continuously available for public review during the entire
2 48-hour period preceding the meeting. Posting of the notice
3 and agenda on a website that is maintained by the public body
4 satisfies the requirement for continuous posting under this
5 subsection (c). If a notice or agenda is not continuously
6 available for the full 48-hour period due to actions outside
7 of the control of the public body, then that lack of
8 availability does not invalidate any meeting or action taken
9 at a meeting.

10 (Source: P.A. 97-827, eff. 1-1-13.)

11 (5 ILCS 120/2.07 new)

12 Sec. 2.07. Police District Councils.

13 (a) For a Police District Council created under Section
14 2-80-070 of the Municipal Code of Chicago, "meeting" does not
15 include a gathering of 2 members of the public body, except
16 when gathered for a regularly scheduled meeting or otherwise
17 gathered to adopt any motion, resolution, or ordinance.

18 (b) With the exception of the required regularly scheduled
19 monthly meetings, Police District Councils created under
20 Section 2-80-070 of the Municipal Code of Chicago may hold
21 meetings by audio or video conference, without the physical
22 presence of the members, subject to the following conditions:

23 (1) All Police District Council members participating
24 in the meeting, wherever their physical location, shall be
25 verified and can hear one another and can hear all

1 discussion and testimony.

2 (2) Any members of the public attending the meeting
3 can hear all Police District Council members and all
4 discussion, testimony, and roll-call votes.

5 (3) Notice of the remote meeting, including how to
6 contemporaneously hear all discussion, testimony, and
7 roll-call votes, whether by telephone number or web-based
8 link, is provided to the public at least 48 hours prior to
9 the meeting, except in the case of a bona fide emergency.

10 (4) All votes are conducted by roll call, so each
11 member's vote on each issue can be identified and
12 recorded.

13 (5) A verbatim record is kept in the form of an audio
14 or video recording and made available to the public not
15 more than 48 hours before the conclusion of the meeting.