

1 AN ACT concerning business.

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 2.15 as follows:

6 (5 ILCS 140/2.15)

7 Sec. 2.15. Arrest reports and criminal history records.

8 (a) Arrest reports. The following chronologically  
9 maintained arrest and criminal history information maintained  
10 by State or local criminal justice agencies shall be furnished  
11 as soon as practical, but in no event later than 72 hours after  
12 the arrest, notwithstanding the time limits otherwise provided  
13 for in Section 3 of this Act: (i) information that identifies  
14 the individual, including the name, age, address, and  
15 photograph, when and if available; (ii) information detailing  
16 any charges relating to the arrest; (iii) the time and location  
17 of the arrest; (iv) the name of the investigating or arresting  
18 law enforcement agency; (v) if the individual is incarcerated,  
19 the amount of any bail or bond; and (vi) if the individual is  
20 incarcerated, the time and date that the individual was  
21 received into, discharged from, or transferred from the  
22 arresting agency's custody.

23 (b) Criminal history records. The following documents

1 maintained by a public body pertaining to criminal history  
2 record information are public records subject to inspection and  
3 copying by the public pursuant to this Act: (i) court records  
4 that are public; (ii) records that are otherwise available  
5 under State or local law; and (iii) records in which the  
6 requesting party is the individual identified, except as  
7 provided under Section 7(1)(d)(vi).

8 (c) Information described in items (iii) through (vi) of  
9 subsection (a) may be withheld if it is determined that  
10 disclosure would: (i) interfere with pending or actually and  
11 reasonably contemplated law enforcement proceedings conducted  
12 by any law enforcement agency; (ii) endanger the life or  
13 physical safety of law enforcement or correctional personnel or  
14 any other person; or (iii) compromise the security of any  
15 correctional facility.

16 (d) The provisions of this Section do not supersede the  
17 confidentiality provisions for law enforcement or arrest  
18 records of the Juvenile Court Act of 1987.

19 (e) Notwithstanding the requirements of subsection (a), a  
20 law enforcement agency may not publish booking photographs,  
21 commonly known as "mugshots", on its social media website in  
22 connection with civil offenses, petty offenses, business  
23 offenses, Class C misdemeanors, and Class B misdemeanors unless  
24 the booking photograph is posted to social media to assist in  
25 the search for a missing person or to assist in the search for  
26 a fugitive, person of interest, or individual wanted in

1 relation to a crime other than a petty offense, business  
2 offense, Class C misdemeanor, or Class B misdemeanor.

3 (Source: P.A. 99-298, eff. 8-6-15.)

4 Section 10. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 2000 as follows:

6 (815 ILCS 505/2000)

7 Sec. 2000. Criminal record information.

8 (a) It is an unlawful practice for any person engaged in  
9 publishing or otherwise disseminating criminal record  
10 information through a print or electronic medium to solicit or  
11 accept the payment of a fee or other consideration to remove,  
12 correct, or modify said criminal record information.

13 (b) For the purposes of this Section, "criminal record  
14 information" includes any and all of the following:

15 (1) descriptions or notations of any arrests, any  
16 formal criminal charges, and the disposition of those  
17 criminal charges, including, but not limited to, any  
18 information made available under Section 4a of the State  
19 Records Act or Section 3b of the Local Records Act;

20 (2) photographs of the person taken pursuant to an  
21 arrest or other involvement in the criminal justice system;  
22 or

23 (3) personal identifying information, including a  
24 person's name, address, date of birth, photograph, and

1 social security number or other government-issued  
2 identification number.

3 (c) A person or entity that publishes for profit a person's  
4 criminal record information on a publicly available Internet  
5 website or in any other publication that charges a fee for  
6 removal or correction of the information must correct any  
7 errors in the individual's criminal history information within  
8 5 business days after notification of an error. Failure to  
9 correct an error in the individual's criminal record  
10 information constitutes an unlawful practice within the  
11 meaning of this Act.

12 (d) A person whose criminal record information is published  
13 for profit on a publicly available Internet website or in any  
14 other publication that charges a fee for removal or correction  
15 of the information may demand the publisher to correct the  
16 information if the subject of the information, or his or her  
17 representative, sends a letter, via certified mail, to the  
18 publishing entity demanding the information be corrected and  
19 providing documentation of the correct information.

20 (e) Failure by a for-profit publishing entity that  
21 publishes on a publicly available Internet website or in any  
22 other publication that charges a fee for removal or correction  
23 of the information to correct the person's published criminal  
24 record information within 5 business days after receipt of the  
25 notice, demand for correction, and the provision of correct  
26 information, constitutes an unlawful and deceptive practice

1 within the meaning of this Act. In addition to any other remedy  
2 available under this Act, a person who has been injured by a  
3 violation of this Section is entitled to the damages of \$100  
4 per day, plus attorney's fees, for the publisher's failure to  
5 correct the criminal record information.

6 (f) This Section does not apply to a play, book, magazine,  
7 newspaper, musical, composition, visual work, work of art,  
8 audiovisual work, radio, motion picture, or television  
9 program, or a dramatic, literary, or musical work.

10 (g) This Section does not apply to a news medium or  
11 reporter as defined in Section 8-902 of the Code of Civil  
12 Procedure.

13 (h) This Section does not apply to the Illinois State  
14 Police.

15 (i) This Section does not apply to a consumer reporting  
16 agency as defined under 15 U.S.C. 1681a(f).

17 (j) Nothing in this Section shall be construed to impose  
18 liability on an interactive computer service, as defined in 47  
19 U.S.C. 230(f)(2), for content provided by another person.

20 (Source: P.A. 98-555, eff. 1-1-14.)