



Sen. Steve Stadelman

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10000SB2560sam005

LRB100 16756 JLS 39077 a

1 AMENDMENT TO SENATE BILL 2560

2 AMENDMENT NO. _____. Amend Senate Bill 2560, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Section 2.15 as follows:

7 (5 ILCS 140/2.15)

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

9 (a) Arrest reports. The following chronologically
10 maintained arrest and criminal history information maintained
11 by State or local criminal justice agencies shall be furnished
12 as soon as practical, but in no event later than 72 hours after
13 the arrest, notwithstanding the time limits otherwise provided
14 for in Section 3 of this Act: (i) information that identifies
15 the individual, including the name, age, address, and
16 photograph, when and if available; (ii) information detailing

1 any charges relating to the arrest; (iii) the time and location
2 of the arrest; (iv) the name of the investigating or arresting
3 law enforcement agency; (v) if the individual is incarcerated,
4 the amount of any bail or bond; and (vi) if the individual is
5 incarcerated, the time and date that the individual was
6 received into, discharged from, or transferred from the
7 arresting agency's custody.

8 (b) Criminal history records. The following documents
9 maintained by a public body pertaining to criminal history
10 record information are public records subject to inspection and
11 copying by the public pursuant to this Act: (i) court records
12 that are public; (ii) records that are otherwise available
13 under State or local law; and (iii) records in which the
14 requesting party is the individual identified, except as
15 provided under Section 7(1)(d)(vi).

16 (c) Information described in items (iii) through (vi) of
17 subsection (a) may be withheld if it is determined that
18 disclosure would: (i) interfere with pending or actually and
19 reasonably contemplated law enforcement proceedings conducted
20 by any law enforcement agency; (ii) endanger the life or
21 physical safety of law enforcement or correctional personnel or
22 any other person; or (iii) compromise the security of any
23 correctional facility.

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

1 (e) Notwithstanding the requirements of subsection (a), a
2 law enforcement agency may not publish booking photographs,
3 commonly known as "mugshots", on its social media website in
4 connection with civil offenses, petty offenses, business
5 offenses, Class C misdemeanors, and Class B misdemeanors unless
6 the booking photograph is posted to social media to assist in
7 the search for a missing person or to assist in the search for
8 a fugitive, person of interest, or individual wanted in
9 relation to a crime other than a petty offense, business
10 offense, Class C misdemeanor, or Class B misdemeanor.

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

12 Section 10. The Consumer Fraud and Deceptive Business
13 Practices Act is amended by changing Section 2QQQ as follows:

14 (815 ILCS 505/2QQQ)

15 Sec. 2QQQ. Criminal record information.

16 (a) It is an unlawful practice for any person engaged in
17 publishing or otherwise disseminating criminal record
18 information through a print or electronic medium to solicit or
19 accept the payment of a fee or other consideration to remove,
20 correct, or modify said criminal record information.

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

23 (1) descriptions or notations of any arrests, any
24 formal criminal charges, and the disposition of those

1 criminal charges, including, but not limited to, any
2 information made available under Section 4a of the State
3 Records Act or Section 3b of the Local Records Act;

4 (2) photographs of the person taken pursuant to an
5 arrest or other involvement in the criminal justice system;
6 or

7 (3) personal identifying information, including a
8 person's name, address, date of birth, photograph, and
9 social security number or other government-issued
10 identification number.

11 (c) A person or entity that publishes a person's criminal
12 record information on a publicly available Internet website or
13 in any other publication must correct any errors in the
14 individual's criminal history information within 5 business
15 days after notification of an error. Failure to correct an
16 error in the individual's criminal record information
17 constitutes an unlawful practice within the meaning of this
18 Act.

19 (d) A person whose criminal record information is published
20 on a publicly available Internet website or in any other
21 publication may demand the publisher to correct the information
22 if the subject of the information, or his or her
23 representative, sends a letter, via certified mail, to the
24 publishing entity demanding the information be corrected and
25 providing documentation of the correct information.

26 (e) Failure by a publishing entity that publishes on a

1 publicly available Internet website or in any other publication
2 to correct the person's published criminal record information
3 within 5 business days after receipt of the notice, demand for
4 correction, and the provision of correct information,
5 constitutes an unlawful and deceptive practice within the
6 meaning of this Act. In addition to any other remedy available
7 under this Act, a person who has been injured by a violation of
8 this Section is entitled to damages of \$100 per day, plus
9 attorney's fees, for the publisher's failure to correct the
10 criminal record information.

11 (f) This Section does not apply to a play, book, magazine,
12 newspaper, musical, composition, visual work, work of art,
13 audiovisual work, radio, motion picture, or television
14 program, or a dramatic, literary, or musical work.

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

18 (h) This Section does not apply to the Illinois State
19 Police.

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

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

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