



Sen. Scott M. Bennett

**Filed: 4/20/2018**

10000SB3138sam002

LRB100 19604 AXK 38903 a

1 AMENDMENT TO SENATE BILL 3138

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3138, 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 7.5 as follows:

7 (5 ILCS 140/7.5)

8 (Text of Section before amendment by P.A. 100-512 and  
9 100-517)

10 Sec. 7.5. Statutory exemptions. To the extent provided for  
11 by the statutes referenced below, the following shall be exempt  
12 from inspection and copying:

13 (a) All information determined to be confidential  
14 under Section 4002 of the Technology Advancement and  
15 Development Act.

16 (b) Library circulation and order records identifying

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other records  
6 prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (d) Information and records held by the Department of  
10 Public Health and its authorized representatives relating  
11 to known or suspected cases of sexually transmissible  
12 disease or any information the disclosure of which is  
13 restricted under the Illinois Sexually Transmissible  
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted  
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

3           (i) Information contained in a local emergency energy  
4           plan submitted to a municipality in accordance with a local  
5           emergency energy plan ordinance that is adopted under  
6           Section 11-21.5-5 of the Illinois Municipal Code.

7           (j) Information and data concerning the distribution  
8           of surcharge moneys collected and remitted by carriers  
9           under the Emergency Telephone System Act.

10          (k) Law enforcement officer identification information  
11          or driver identification information compiled by a law  
12          enforcement agency or the Department of Transportation  
13          under Section 11-212 of the Illinois Vehicle Code.

14          (l) Records and information provided to a residential  
15          health care facility resident sexual assault and death  
16          review team or the Executive Council under the Abuse  
17          Prevention Review Team Act.

18          (m) Information provided to the predatory lending  
19          database created pursuant to Article 3 of the Residential  
20          Real Property Disclosure Act, except to the extent  
21          authorized under that Article.

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the Capital  
25          Crimes Litigation Act. This subsection (n) shall apply  
26          until the conclusion of the trial of the case, even if the

1 prosecution chooses not to pursue the death penalty prior  
2 to trial or sentencing.

3 (o) Information that is prohibited from being  
4 disclosed under Section 4 of the Illinois Health and  
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Regional Transportation Authority under Section 2.11 of  
10 the Regional Transportation Authority Act or the St. Clair  
11 County Transit District under the Bi-State Transit Safety  
12 Act.

13 (q) Information prohibited from being disclosed by the  
14 Personnel Records Review Act.

15 (r) Information prohibited from being disclosed by the  
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted  
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information  
20 in the form of health data or medical records contained in,  
21 stored in, submitted to, transferred by, or released from  
22 the Illinois Health Information Exchange, and identified  
23 or deidentified health information in the form of health  
24 data and medical records of the Illinois Health Information  
25 Exchange in the possession of the Illinois Health  
26 Information Exchange Authority due to its administration

1 of the Illinois Health Information Exchange. The terms  
2 "identified" and "deidentified" shall be given the same  
3 meaning as in the Health Insurance Portability and  
4 Accountability Act of 1996, Public Law 104-191, or any  
5 subsequent amendments thereto, and any regulations  
6 promulgated thereunder.

7 (u) Records and information provided to an independent  
8 team of experts under Brian's Law.

9 (v) Names and information of people who have applied  
10 for or received Firearm Owner's Identification Cards under  
11 the Firearm Owners Identification Card Act or applied for  
12 or received a concealed carry license under the Firearm  
13 Concealed Carry Act, unless otherwise authorized by the  
14 Firearm Concealed Carry Act; and databases under the  
15 Firearm Concealed Carry Act, records of the Concealed Carry  
16 Licensing Review Board under the Firearm Concealed Carry  
17 Act, and law enforcement agency objections under the  
18 Firearm Concealed Carry Act.

19 (w) Personally identifiable information which is  
20 exempted from disclosure under subsection (g) of Section  
21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure  
23 under Section 5-1014.3 of the Counties Code or Section  
24 8-11-21 of the Illinois Municipal Code.

25 (y) Confidential information under the Adult  
26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including  
2 information about the identity and administrative finding  
3 against any caregiver of a verified and substantiated  
4 decision of abuse, neglect, or financial exploitation of an  
5 eligible adult maintained in the Registry established  
6 under Section 7.5 of the Adult Protective Services Act.

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8 review team or the Illinois Fatality Review Team Advisory  
9 Council under Section 15 of the Adult Protective Services  
10 Act.

11 (aa) Information which is exempted from disclosure  
12 under Section 2.37 of the Wildlife Code.

13 (bb) Information which is or was prohibited from  
14 disclosure by the Juvenile Court Act of 1987.

15 (cc) Recordings made under the Law Enforcement  
16 Officer-Worn Body Camera Act, except to the extent  
17 authorized under that Act.

18 (dd) Information that is prohibited from being  
19 disclosed under Section 45 of the Condominium and Common  
20 Interest Community Ombudsperson Act.

21 (ee) Information that is exempted from disclosure  
22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure  
24 under the Revised Uniform Unclaimed Property Act.

25 (gg) ~~(ff)~~ Information that is prohibited from being  
26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

2 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
3 Section 1A-16.7 of the Election Code.

4 (ii) ~~(ff)~~ Information which is exempted from  
5 disclosure under Section 2505-800 of the Department of  
6 Revenue Law of the Civil Administrative Code of Illinois.

7 (ll) Information that is exempt from disclosure under  
8 Section 70 of the Higher Education Student Assistance Act.

9 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
10 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
11 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
12 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
13 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

14 (Text of Section after amendment by P.A. 100-517 but before  
15 amendment by P.A. 100-512)

16 Sec. 7.5. Statutory exemptions. To the extent provided for  
17 by the statutes referenced below, the following shall be exempt  
18 from inspection and copying:

19 (a) All information determined to be confidential  
20 under Section 4002 of the Technology Advancement and  
21 Development Act.

22 (b) Library circulation and order records identifying  
23 library users with specific materials under the Library  
24 Records Confidentiality Act.

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1 records received by the Experimental Organ Transplantation  
2 Procedures Board and any and all documents or other records  
3 prepared by the Experimental Organ Transplantation  
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5 has received.

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17 (g) Information the disclosure of which is restricted  
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20 (h) Information the disclosure of which is exempted  
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22 records of any lawfully created State or local inspector  
23 general's office that would be exempt if created or  
24 obtained by an Executive Inspector General's office under  
25 that Act.

26 (i) Information contained in a local emergency energy



1 plan submitted to a municipality in accordance with a local  
2 emergency energy plan ordinance that is adopted under  
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22 (gg) ~~(ff)~~ Information that is prohibited from being  
23 disclosed under Section 7-603.5 of the Illinois Vehicle  
24 Code.

25 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
26 Section 1A-16.7 of the Election Code.

1            (ii) ~~(ff)~~ Information which is exempted from  
2 disclosure under Section 2505-800 of the Department of  
3 Revenue Law of the Civil Administrative Code of Illinois.

4            (jj) ~~(ff)~~ Information and reports that are required to  
5 be submitted to the Department of Labor by registering day  
6 and temporary labor service agencies but are exempt from  
7 disclosure under subsection (a-1) of Section 45 of the Day  
8 and Temporary Labor Services Act.

9            (ll) Information that is exempt from disclosure under  
10 Section 70 of the Higher Education Student Assistance Act.

11 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
12 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
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7            be submitted to the Department of Labor by registering day  
8            and temporary labor service agencies but are exempt from  
9            disclosure under subsection (a-1) of Section 45 of the Day  
10           and Temporary Labor Services Act.

11           (kk) ~~(ff)~~ Information prohibited from disclosure under  
12           the Seizure and Forfeiture Reporting Act.

13           (ll) Information that is exempt from disclosure under  
14           Section 70 of the Higher Education Student Assistance Act.

15           (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
16           eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
17           99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
18           100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
19           8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
20           eff. 6-1-18; revised 11-2-17.)

21           Section 10. The Higher Education Student Assistance Act is  
22           amended by changing Section 70 as follows:

23           (110 ILCS 947/70)

24           Sec. 70. Administration of scholarship and grant programs.

1           (a) An applicant to whom the Commission has awarded a  
2 scholarship or grant under this Act may apply for enrollment as  
3 a student in any qualified institution of higher learning. The  
4 institution is not required to accept the applicant for  
5 enrollment, but is free to exact compliance with its own  
6 admissions requirements, standards, and policies. The  
7 institution may receive the payments of tuition and other  
8 necessary fees provided by the scholarship or grant, for credit  
9 against the student's obligation for such tuition and fees, and  
10 for no other purpose, and shall be contractually obligated:

11           (1) to provide facilities and instruction to the  
12 student on the same terms as to other students generally;

13           (2) to provide the notices and information described in  
14 this Act; and to maintain records and documents which  
15 demonstrate the eligibility of the students for whom  
16 scholarships and grants are claimed.

17           (b) If, in the course of any academic period, any student  
18 enrolled in any institution pursuant to a scholarship or grant  
19 awarded under this Act for any reason ceases to be a student in  
20 good standing, the institution shall promptly give written  
21 notice to the Commission concerning that change of status and  
22 the reason therefor. For purposes of this Section, a student  
23 does not cease to be a student in good standing merely because  
24 he or she is not classified as a full-time student.

25           (c) A student to whom a renewal scholarship or grant has  
26 been awarded may either re-enroll in the institution which he

1 or she attended during the preceding year, or enroll in any  
2 other qualified institution of higher learning; and in either  
3 event, the institution accepting the student for enrollment or  
4 re-enrollment shall notify the Commission of that acceptance  
5 and may receive payments and shall be contractually obligated  
6 as provided with respect to a first-year scholarship or grant.

7 (d) The Commission shall administer the scholarship and  
8 grant accounts and related records of each student who is  
9 attending an institution of higher learning under financial  
10 assistance awarded pursuant to this Act, and at each proper  
11 time shall certify to the State Comptroller, in the manner  
12 prescribed by law, the current payment to be made to the  
13 institution on account of such financial assistance, in  
14 accordance with an appropriate certificate from the  
15 institution. The Commission may require the participating  
16 institution of higher learning to perform specific eligibility  
17 evaluation procedures as a condition of participation.

18 (e) The Commission shall conduct on-site audits of  
19 educational institutions participating in Commission  
20 administered programs. When institutions have claimed and  
21 received funds on behalf of ineligible recipients, the  
22 Commission may adjust subsequent institutional payments to  
23 recover those funds.

24 (f) The Commission may, upon the request of any institution  
25 which received payment for scholarship and grant awards for  
26 each of the last 5 years, certify to the Comptroller an advance

1 payment for the current term to be made to the institution on  
2 account of such financial assistance in an amount not to exceed  
3 75% of announced awards for the institution for such financial  
4 assistance for the current term, adjusted for attrition over  
5 the last 5 years. For the purposes of this Section, "attrition"  
6 is the number of announced award winners enrolled on the 10th  
7 class day as a percentage of the total announced awards. The  
8 request for an advance payment for the current term shall not  
9 be submitted until 10 class days after the last day for  
10 registration for that term. Upon appropriate certification  
11 from the institution presented for each payment period, after  
12 the standard tuition and mandatory fees have been established  
13 for all students for the term of payment and the award  
14 recipient has enrolled, the Commission shall certify to the  
15 State Comptroller the balance of the current payment to be made  
16 to the institution on account of such financial assistance. If  
17 an advance payment received by an institution exceeds the  
18 payment to which that institution is entitled, the Commission  
19 shall reduce subsequent payments to that institution for later  
20 terms within the same academic year as the overpayment by an  
21 amount equal to the overpayment; if the reduction cannot be  
22 made, the institution shall refund the overpayment to the  
23 Commission. The Commission may deny or reduce the advance  
24 payment provided to any institution under this Section if it  
25 has reason to believe that the advance payment for the current  
26 term may exceed the full payment the institution is entitled to

1 receive for such assistance for that term.

2 (g) The personal identity and address of a scholarship,  
3 grant, or other financial assistance applicant or recipient  
4 under a non-discretionary program administered by the  
5 Commission, including, but not limited to, the Monetary Award  
6 Program under Section 35 of this Act, where eligibility data is  
7 obtained from the Free Application for Federal Student Aid  
8 authorized by 20 U.S.C. 1090 or is protected from disclosure  
9 under federal or State law or under rules and regulations  
10 implementing federal or State law, is information that is  
11 intended to remain private and shall be exempt from inspection  
12 and copying under the Freedom of Information Act.

13 (Source: P.A. 92-713, eff. 7-23-02.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."