



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5624

Introduced 2/9/2024, by Rep. Ann M. Williams

#### 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 public body, "meeting" does not include a gathering of 2 members of the public body, except when gathered for a regularly scheduled meeting, or otherwise gathered to adopt any motion, resolution, or ordinance. 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. Allows a Police District Council to conduct a closed meeting if discussion of an issue of public safety concerns: (i) the privacy of individuals involved; (ii) law enforcement or official misconduct investigations involving specific individuals; or (iii) 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 the general public. Allows a public body that has a website which is maintained by full-time staff of the public body to post public notice for a special meeting solely by posting notice on its website. Adds a provision allowing Police District Councils, created pursuant to the Municipal Code of Chicago, to hold meetings (other than the required regularly scheduled monthly meetings) by audio or video conference, without the physical presence of the members, subject to specified conditions.

LRB103 39518 MXP 69719 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. For a 3-member public body,  
18 "meeting" does not include a gathering of 2 members of the  
19 public body, except when gathered for a regularly scheduled  
20 meeting, or otherwise gathered to adopt any motion,  
21 resolution, or ordinance.

22 Accordingly, for a 5-member public body, 3 members of the  
23 body constitute a quorum and the affirmative vote of 3 members

1 is necessary to adopt any motion, resolution, or ordinance,  
2 unless a greater number is otherwise required. For a 3-member  
3 body, 2 members of the body constitute a quorum and the  
4 affirmative vote of 2 members is necessary to adopt any  
5 motion, resolution, or ordinance, unless a greater number is  
6 otherwise provided.

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

1 Services Statewide Youth Advisory Board Act, or the Illinois  
2 Independent Tax Tribunal.

3 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

4 (5 ILCS 120/2) (from Ch. 102, par. 42)

5 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

26 (4.5) Evidence or testimony presented to a school

1 board regarding denial of admission to school events or  
2 property pursuant to Section 24-24 of the School Code,  
3 provided that the school board prepares and makes  
4 available for public inspection a written decision setting  
5 forth its determinative reasoning.

6 (4.7) A meeting held by a Police District Council,  
7 created pursuant to Section 2-80-070 of the Municipal Code  
8 of Chicago, where discussion of an issue of public safety  
9 concerns: (i) the privacy of individuals involved; (ii)  
10 law enforcement or official misconduct investigations  
11 involving specific individuals; or (iii) other topics that  
12 if discussed in an open meeting would pose an unreasonable  
13 risk to an ongoing criminal investigation, or an  
14 unreasonable risk to the safety of the general public.

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

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

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

25 (8) Security procedures, school building safety and  
26 security, and the use of personnel and equipment to

1           respond to an actual, a threatened, or a reasonably  
2           potential danger to the safety of employees, students,  
3           staff, the public, or public property.

4           (9) Student disciplinary cases.

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

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

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

25          (13) Conciliation of complaints of discrimination in  
26          the sale or rental of housing, when closed meetings are

1 authorized by the law or ordinance prescribing fair  
2 housing practices and creating a commission or  
3 administrative agency for their enforcement.

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

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

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

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



1 (18) Deliberations for decisions of the Prisoner  
2 Review Board.

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

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

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

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

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

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

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

1           (26) Meetings of a mortality review team appointed  
2 under the Department of Juvenile Justice Mortality Review  
3 Team Act.

4           (27) (Blank).

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

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

16           (30) Those meetings or portions of meetings of a  
17 fatality review team or the Illinois Fatality Review Team  
18 Advisory Council during which a review of the death of an  
19 eligible adult in which abuse or neglect is suspected,  
20 alleged, or substantiated is conducted pursuant to Section  
21 15 of the Adult Protective Services Act.

22           (31) Meetings and deliberations for decisions of the  
23 Concealed Carry Licensing Review Board under the Firearm  
24 Concealed Carry Act.

25           (32) Meetings between the Regional Transportation  
26 Authority Board and its Service Boards when the discussion

1 involves review by the Regional Transportation Authority  
2 Board of employment contracts under Section 28d of the  
3 Metropolitan Transit Authority Act and Sections 3A.18 and  
4 3B.26 of the Regional Transportation Authority Act.

5 (33) Those meetings or portions of meetings of the  
6 advisory committee and peer review subcommittee created  
7 under Section 320 of the Illinois Controlled Substances  
8 Act during which specific controlled substance prescriber,  
9 dispenser, or patient information is discussed.

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

13 (35) Meetings of the group established to discuss  
14 Medicaid capitation rates under Section 5-30.8 of the  
15 Illinois Public Aid Code.

16 (36) Those deliberations or portions of deliberations  
17 for decisions of the Illinois Gaming Board in which there  
18 is discussed any of the following: (i) personal,  
19 commercial, financial, or other information obtained from  
20 any source that is privileged, proprietary, confidential,  
21 or a trade secret; or (ii) information specifically  
22 exempted from the disclosure by federal or State law.

23 (37) Deliberations for decisions of the Illinois Law  
24 Enforcement Training Standards Board, the Certification  
25 Review Panel, and the Illinois State Police Merit Board  
26 regarding certification and decertification.

1           (38) Meetings of the Ad Hoc Statewide Domestic  
2           Violence Fatality Review Committee of the Illinois  
3           Criminal Justice Information Authority Board that occur in  
4           closed executive session under subsection (d) of Section  
5           35 of the Domestic Violence Fatality Review Act.

6           (39) Meetings of the regional review teams under  
7           subsection (a) of Section 75 of the Domestic Violence  
8           Fatality Review Act.

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

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

13          "Employee" means a person employed by a public body whose  
14          relationship with the public body constitutes an  
15          employer-employee relationship under the usual common law  
16          rules, and who is not an independent contractor.

17          "Public office" means a position created by or under the  
18          Constitution or laws of this State, the occupant of which is  
19          charged with the exercise of some portion of the sovereign  
20          power of this State. The term "public office" shall include  
21          members of the public body, but it shall not include  
22          organizational positions filled by members thereof, whether  
23          established by law or by a public body itself, that exist to  
24          assist the body in the conduct of its business.

25          "Quasi-adjudicative body" means an administrative body  
26          charged by law or ordinance with the responsibility to conduct

1 hearings, receive evidence or testimony and make  
2 determinations based thereon, but does not include local  
3 electoral boards when such bodies are considering petition  
4 challenges.

5 (e) Final action. No final action may be taken at a closed  
6 meeting. Final action shall be preceded by a public recital of  
7 the nature of the matter being considered and other  
8 information that will inform the public of the business being  
9 conducted.

10 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
11 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
12 7-28-23.)

13 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

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

16 (a) Every public body shall give public notice of the  
17 schedule of regular meetings at the beginning of each calendar  
18 or fiscal year and shall state the regular dates, times, and  
19 places of such meetings. An agenda for each regular meeting  
20 shall be posted at the principal office of the public body, if  
21 such an office exists, and at the location where the meeting is  
22 to be held at least 48 hours in advance of the holding of the  
23 meeting. A public body that has a website that the full-time  
24 staff of the public body maintains shall also post on its  
25 website the agenda of any regular meetings of the governing

1 body of that public body. Any agenda of a regular meeting that  
2 is posted on a public body's website shall remain posted on the  
3 website until the regular meeting is concluded. The  
4 requirement of a regular meeting agenda shall not preclude the  
5 consideration of items not specifically set forth in the  
6 agenda. Public notice of any special meeting except a meeting  
7 held in the event of a bona fide emergency, or of any  
8 rescheduled regular meeting, or of any reconvened meeting,  
9 shall be given at least 48 hours before such meeting, which  
10 notice shall also include the agenda for the special,  
11 rescheduled, or reconvened meeting, but the validity of any  
12 action taken by the public body which is germane to a subject  
13 on the agenda shall not be affected by other errors or  
14 omissions in the agenda. The requirement of public notice of  
15 reconvened meetings does not apply to any case where the  
16 meeting was open to the public and (1) it is to be reconvened  
17 within 24 hours, or (2) an announcement of the time and place  
18 of the reconvened meeting was made at the original meeting and  
19 there is no change in the agenda. Notice of an emergency  
20 meeting shall be given as soon as practicable, but in any event  
21 prior to the holding of such meeting, to any news medium which  
22 has filed an annual request for notice under subsection (b) of  
23 this Section.

24 (b) Public notice shall be given by posting a copy of the  
25 notice at the principal office of the body holding the meeting  
26 or, if no such office exists, at the building in which the

1 meeting is to be held. In addition, a public body that has a  
2 website that the full-time staff of the public body maintains  
3 shall post notice on its website of all meetings of the  
4 governing body of the public body. For a public body that has a  
5 website that the full-time staff of the public body maintains,  
6 public notice for a special meeting may be given solely by  
7 posting notice on its website. Any notice of an annual  
8 schedule of meetings shall remain on the website until a new  
9 public notice of the schedule of regular meetings is approved.  
10 Any notice of a regular meeting that is posted on a public  
11 body's website shall remain posted on the website until the  
12 regular meeting is concluded. The body shall supply copies of  
13 the notice of its regular meetings, and of the notice of any  
14 special, emergency, rescheduled or reconvened meeting, to any  
15 news medium that has filed an annual request for such notice.  
16 Any such news medium shall also be given the same notice of all  
17 special, emergency, rescheduled or reconvened meetings in the  
18 same manner as is given to members of the body provided such  
19 news medium has given the public body an address or telephone  
20 number within the territorial jurisdiction of the public body  
21 at which such notice may be given. The failure of a public body  
22 to post on its website notice of any meeting or the agenda of  
23 any meeting shall not invalidate any meeting or any actions  
24 taken at a meeting.

25 (c) Any agenda required under this Section shall set forth  
26 the general subject matter of any resolution or ordinance that

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

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

14 (5 ILCS 120/2.07 new)

15 Sec. 2.07. Police District Councils. With the exception of  
16 the required regularly scheduled monthly meetings, Police  
17 District Councils created pursuant to Section 2-80-070 of the  
18 Municipal Code of Chicago, may hold meetings by audio or video  
19 conference, without the physical presence of the members,  
20 subject to the following conditions:

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

25 (2) Any members of the public attending the meeting



1       can hear all Police District Council members and all  
2       discussion, testimony, and roll-call votes.

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

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

11           (5) A verbatim record is kept in the form of an audio  
12       or video recording and made available to the public not  
13       less than 48 hours after the conclusion of the meeting.