



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3439

Introduced 2/8/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

See Index

Amends the Law Enforcement Officer-Worn Body Camera Act. Provides that a law enforcement officer is "in uniform" only when primarily assigned to respond to law enforcement-related encounters or activities. Adds a definition for "no expectation of privacy". Provides that, on and after January 1, 2026, an officer no longer needs to provide notice of recording to a person that has a reasonable expectation of privacy. Provides that recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency on a recording medium for a minimum period of 90 days and no longer than 2 years unless flagged (rather than for a period of 90 days). In provisions relating to exceptions to destruction of camera recordings if a recording has been flagged, provides that an encounter is deemed to be flagged when a formal investigation or informal inquiry has commenced (rather than a formal or informal complaint has been filed). Modifies when recordings may be used to discipline law enforcement officers. Provides that recordings are only subject to disclosure under the Freedom of Information Act when a recording is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm and the subject of the encounter has a reasonable expectation of privacy at the time of the recording (removing other exceptions). Provides that only the subject of the recording or the subject's legal representative may obtain the portion of the recording containing the subject if they provide written authorization to release the video. Makes other changes. Amends the Law Enforcement Camera Grant Act. Provides that grant funds may be used for the entire costs of the officer-worn body camera program and contract, including hardware, video management, software and licenses, accessories, storage, maintenance costs warranty, training, charging docks and data transfer devices and systems, and mobile data costs. Removes a requirement to include criminal and other violations and civil proceedings in which the cameras were used in reports that must be provided by a law enforcement agency receiving a grant for in-car video cameras or for officer-worn body cameras. Amends the Criminal Code of 2012 and Freedom of Information Act making conforming changes. Effective immediately.

LRB103 38058 AWJ 68190 b

A BILL FOR

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

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

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

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

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

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

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

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

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

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

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

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

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

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

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

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

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

26 (cc) Recordings or portions of recordings ~~made~~ under

1 the Law Enforcement Officer-Worn Body Camera Act, except
2 to the extent authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

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

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

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (wv) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act and the Illinois State
17 Police Act.

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

14 (iii) Data exempt from disclosure under Section 50 of
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information
19 prohibited from disclosure under Section 45 of the Paint
20 Stewardship Act.

21 (lll) (Reserved).

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
5 revised 1-2-24.)

6 (Text of Section after amendment by P.A. 103-472)

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18 (lll) ~~(iii)~~ Data exempt from disclosure under Section
19 2-3.196 of the School Code.

20 (mmm) ~~(iii)~~ Information prohibited from being
21 disclosed under subsection (e) of Section 1-129 of the
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23 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
24 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
25 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
26 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.

1 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
2 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
3 103-580, eff. 12-8-23; revised 1-2-24.)

4 Section 10. The Law Enforcement Officer-Worn Body Camera
5 Act is amended by changing Sections 10-10 and 10-20 as
6 follows:

7 (50 ILCS 706/10-10)

8 Sec. 10-10. Definitions. As used in this Act:

9 "Badge" means an officer's department issued
10 identification number associated with his or her position as a
11 police officer with that department.

12 "Board" means the Illinois Law Enforcement Training
13 Standards Board created by the Illinois Police Training Act.

14 "Business offense" means a petty offense for which the
15 fine is in excess of \$1,000.

16 "Community caretaking function" means a task undertaken by
17 a law enforcement officer in which the officer is performing
18 an articulable act unrelated to the investigation of a crime.

19 "Community caretaking function" includes, but is not limited
20 to, participating in town halls or other community outreach,
21 helping a child find his or her parents, providing death
22 notifications, and performing in-home or hospital well-being
23 checks on the sick, elderly, or persons presumed missing.

24 "Community caretaking function" excludes law

1 enforcement-related encounters or activities.

2 "Fund" means the Law Enforcement Camera Grant Fund.

3 "In uniform" means a law enforcement officer who is
4 wearing any officially authorized uniform designated by a law
5 enforcement agency, or a law enforcement officer who is
6 visibly wearing articles of clothing, a badge, tactical gear,
7 gun belt, a patch, or other insignia that he or she is a law
8 enforcement officer acting in the course of his or her duties.
9 A law enforcement officer is "in uniform" only when primarily
10 assigned to respond to law enforcement-related encounters or
11 activities and is not "in uniform" when primarily assigned to
12 other law enforcement duties that are not law
13 enforcement-related encounters or activities.

14 "Law enforcement officer" or "officer" means any person
15 employed by a State, county, municipality, special district,
16 college, unit of government, or any other entity authorized by
17 law to employ peace officers or exercise police authority and
18 who is primarily responsible for the prevention or detection
19 of crime and the enforcement of the laws of this State.

20 "Law enforcement agency" means all State agencies with law
21 enforcement officers, county sheriff's offices, municipal,
22 special district, college, or unit of local government police
23 departments.

24 "Law enforcement-related encounters or activities"
25 include, but are not limited to, traffic stops, pedestrian
26 stops, arrests, searches, interrogations, investigations,

1 pursuits, crowd control, traffic control, non-community
2 caretaking interactions with an individual while on patrol, or
3 any other instance in which the officer is enforcing the laws
4 of the municipality, county, or State. "Law
5 enforcement-related encounter or activities" does not include
6 when the officer is completing paperwork alone, is
7 participating in training in a classroom setting, or is only
8 in the presence of another law enforcement officer.

9 "Minor traffic offense" means a petty offense, business
10 offense, or Class C misdemeanor under the Illinois Vehicle
11 Code or a similar provision of a municipal or local ordinance.

12 "No expectation of privacy" means when a person is in a
13 publicly accessible area or when a person is engaging with law
14 enforcement officers during the scope of an officer's official
15 duties, even when the engagement is in a nonpublic area,
16 including in a private residence when officers are lawfully
17 present in the residence during the course of official duties.

18 "Officer-worn body camera" means an electronic camera
19 system for creating, generating, sending, receiving, storing,
20 displaying, and processing audiovisual recordings that may be
21 worn about the person of a law enforcement officer.

22 "Peace officer" has the meaning provided in Section 2-13
23 of the Criminal Code of 2012.

24 "Petty offense" means any offense for which a sentence of
25 imprisonment is not an authorized disposition.

26 "Recording" means the process of capturing data or

1 information stored on a recording medium as required under
2 this Act.

3 "Recording medium" means any recording medium authorized
4 by the Board for the retention and playback of recorded audio
5 and video including, but not limited to, VHS, DVD, hard drive,
6 cloud storage, solid state, digital, flash memory technology,
7 or any other electronic medium.

8 (Source: P.A. 102-1104, eff. 12-6-22.)

9 (50 ILCS 706/10-20)

10 Sec. 10-20. Requirements.

11 (a) The Board shall develop basic guidelines for the use
12 of officer-worn body cameras by law enforcement agencies. The
13 guidelines developed by the Board shall be the basis for the
14 written policy which must be adopted by each law enforcement
15 agency which employs the use of officer-worn body cameras. The
16 written policy adopted by the law enforcement agency must
17 include, at a minimum, all of the following:

18 (1) Cameras must be equipped with pre-event recording,
19 capable of recording at least the 30 seconds prior to
20 camera activation, unless the officer-worn body camera was
21 purchased and acquired by the law enforcement agency prior
22 to July 1, 2015.

23 (2) Cameras must be capable of recording for a period
24 of 10 hours or more, unless the officer-worn body camera
25 was purchased and acquired by the law enforcement agency

1 prior to July 1, 2015.

2 (3) Cameras must be turned on at all times when the
3 officer is in uniform and is responding to calls for
4 service or engaged in any law enforcement-related
5 encounter or activity that occurs while the officer is on
6 duty.

7 (A) If exigent circumstances exist which prevent
8 the camera from being turned on, the camera must be
9 turned on as soon as practicable.

10 (B) Officer-worn body cameras may be turned off
11 when the officer is inside of a patrol car which is
12 equipped with a functioning in-car camera; however,
13 the officer must turn on the camera upon exiting the
14 patrol vehicle for law enforcement-related encounters.

15 (C) Officer-worn body cameras may be turned off
16 when the officer is inside a correctional facility or
17 courthouse which is equipped with a functioning camera
18 system.

19 (4) Cameras must be turned off when:

20 (A) the victim of a crime requests that the camera
21 be turned off, and unless impractical or impossible,
22 that request is made on the recording;

23 (B) a witness of a crime or a community member who
24 wishes to report a crime requests that the camera be
25 turned off, and unless impractical or impossible that
26 request is made on the recording;

1 (C) the officer is interacting with a confidential
2 informant used by the law enforcement agency; or

3 (D) an officer of the Department of Revenue enters
4 a Department of Revenue facility or conducts an
5 interview during which return information will be
6 discussed or visible.

7 However, an officer may continue to record or resume
8 recording a victim or a witness, if exigent circumstances
9 exist, or if the officer has reasonable articulable
10 suspicion that a victim or witness, or confidential
11 informant has committed or is in the process of committing
12 a crime. Under these circumstances, and unless impractical
13 or impossible, the officer must indicate on the recording
14 the reason for continuing to record despite the request of
15 the victim or witness.

16 (4.5) Cameras may be turned off when the officer is
17 engaged in community caretaking functions. However, the
18 camera must be turned on when the officer has reason to
19 believe that the person on whose behalf the officer is
20 performing a community caretaking function has committed
21 or is in the process of committing a crime. If exigent
22 circumstances exist which prevent the camera from being
23 turned on, the camera must be turned on as soon as
24 practicable.

25 (5) Before January 1, 2026, an ~~The~~ officer must
26 provide notice of recording to any person if the person

1 has a reasonable expectation of privacy. Proof ~~and proof~~
2 of notice must be evident in the recording. If exigent
3 circumstances exist which prevent the officer from
4 providing notice, notice must be provided as soon as
5 practicable.

6 (6) (A) For the purposes of redaction or duplicating
7 recordings, access to camera recordings shall be
8 restricted to only those personnel responsible for those
9 purposes. The recording officer or his or her supervisor
10 may not redact, duplicate, or otherwise alter the
11 recording officer's camera recordings. Except as otherwise
12 provided in this Section, the recording officer and his or
13 her supervisor may access and review recordings prior to
14 completing incident reports or other documentation,
15 provided that the supervisor discloses that fact in the
16 report or documentation.

17 (i) A law enforcement officer shall not have
18 access to or review his or her body-worn camera
19 recordings or the body-worn camera recordings of
20 another officer prior to completing incident reports
21 or other documentation when the officer:

22 (a) has been involved in or is a witness to an
23 officer-involved shooting, use of deadly force
24 incident, or use of force incidents resulting in
25 great bodily harm;

26 (b) is ordered to write a report in response

1 to or during the investigation of a misconduct
2 complaint against the officer.

3 (ii) If the officer subject to subparagraph (i)
4 prepares a report, any report shall be prepared
5 without viewing body-worn camera recordings, and
6 subject to supervisor's approval, officers may file
7 amendatory reports after viewing body-worn camera
8 recordings. Supplemental reports under this provision
9 shall also contain documentation regarding access to
10 the video footage.

11 (B) The recording officer's assigned field
12 training officer may access and review recordings for
13 training purposes. Any detective or investigator
14 directly involved in the investigation of a matter may
15 access and review recordings which pertain to that
16 investigation but may not have access to delete or
17 alter such recordings.

18 (7) Recordings made on officer-worn cameras must be
19 retained by the law enforcement agency or by the camera
20 vendor used by the agency, on a recording medium for a
21 minimum period of 90 days and no longer than 2 years unless
22 flagged.

23 (A) Under no circumstances shall any recording,
24 except for a non-law enforcement related activity or
25 encounter, made with an officer-worn body camera be
26 altered, erased, or destroyed prior to the expiration

1 of the ~~90-day~~ storage period. In the event any
2 recording made with an officer-worn body camera is
3 altered, erased, or destroyed prior to the expiration
4 of the ~~90-day~~ storage period, the law enforcement
5 agency shall maintain, for a period of one year, a
6 written record including (i) the name of the
7 individual who made such alteration, erasure, or
8 destruction, and (ii) the reason for any such
9 alteration, erasure, or destruction.

10 (B) Following the ~~90-day~~ storage period, any and
11 all recordings made with an officer-worn body camera
12 must be destroyed, unless any encounter captured on
13 the recording has been flagged. An encounter is deemed
14 to be flagged when:

15 (i) a formal investigation or informal
16 inquiry, as those terms are defined in Section 2
17 of the Uniform Peace Officers' Disciplinary Act,
18 has commenced ~~complaint has been filed;~~

19 (ii) the officer discharged his or her firearm
20 or used force during the encounter;

21 (iii) death or great bodily harm occurred to
22 any person in the recording;

23 (iv) the encounter resulted in a detention or
24 an arrest, excluding traffic stops which resulted
25 in only a minor traffic offense or business
26 offense;

1 (v) the officer is the subject of an internal
2 investigation or otherwise being investigated for
3 possible misconduct;

4 (vi) the supervisor of the officer,
5 prosecutor, defendant, or court determines that
6 the encounter has evidentiary value in a criminal
7 prosecution; or

8 (vii) the recording officer requests that the
9 video be flagged for official purposes related to
10 his or her official duties or believes it may have
11 evidentiary value in a criminal prosecution.

12 (C) Under no circumstances shall any recording
13 made with an officer-worn body camera relating to a
14 flagged encounter be altered or destroyed prior to 2
15 years after the recording was flagged. If the flagged
16 recording was used in a criminal, civil, or
17 administrative proceeding, the recording shall not be
18 destroyed except upon a final disposition and order
19 from the court or potential civil litigation.

20 (D) Nothing in this Act prohibits law enforcement
21 agencies from labeling officer-worn body camera video
22 within the recording medium; provided that the
23 labeling does not alter the actual recording of the
24 incident captured on the officer-worn body camera. The
25 labels, titles, and tags shall not be construed as
26 altering the officer-worn body camera video in any

1 way.

2 (8) Following the 90-day minimum storage period,
3 recordings may be retained if a supervisor at the law
4 enforcement agency designates the recording for training
5 purposes. If the recording is designated for training
6 purposes, the recordings may be viewed by officers, in the
7 presence of a supervisor or training instructor, for the
8 purposes of instruction, training, or ensuring compliance
9 with agency policies.

10 (9) Recordings shall not be used to discipline law
11 enforcement officers unless:

12 (A) a formal investigation or informal inquiry, as
13 those terms are defined in Section 2 of the Uniform
14 Peace Officers' Disciplinary Act, has commenced ~~a~~
15 ~~formal or informal complaint of misconduct has been~~
16 ~~made;~~

17 (B) a use of force incident has occurred;

18 (C) the encounter on the recording could result in
19 a formal investigation under the Uniform Peace
20 Officers' Disciplinary Act; or

21 (D) as corroboration of other evidence of
22 misconduct.

23 Nothing in this paragraph (9) shall be construed to
24 limit or prohibit a law enforcement officer from being
25 subject to an action that does not amount to discipline.

26 (10) The law enforcement agency shall ensure proper

1 care and maintenance of officer-worn body cameras. Upon
2 becoming aware, officers must as soon as practical
3 document and notify the appropriate supervisor of any
4 technical difficulties, failures, or problems with the
5 officer-worn body camera or associated equipment. Upon
6 receiving notice, the appropriate supervisor shall make
7 every reasonable effort to correct and repair any of the
8 officer-worn body camera equipment.

9 (11) No officer may hinder or prohibit any person, not
10 a law enforcement officer, from recording a law
11 enforcement officer in the performance of his or her
12 duties in a public place or when the officer has no
13 reasonable expectation of privacy. The law enforcement
14 agency's written policy shall indicate the potential
15 criminal penalties, as well as any departmental
16 discipline, which may result from unlawful confiscation or
17 destruction of the recording medium of a person who is not
18 a law enforcement officer. However, an officer may take
19 reasonable action to maintain safety and control, secure
20 crime scenes and accident sites, protect the integrity and
21 confidentiality of investigations, and protect the public
22 safety and order.

23 (b) Recordings made with the use of an officer-worn body
24 camera are not subject to disclosure under the Freedom of
25 Information Act, except when a recording is flagged due to the
26 filing of a complaint, discharge of a firearm, use of force,

1 arrest or detention, or resulting death or bodily harm and the
2 subject of the encounter has a reasonable expectation of
3 privacy at the time of the recording. A recording subject to
4 disclosure under this subsection may be only released to the
5 subject of the encounter captured on the recording or the
6 subject's legal representative if the law enforcement agency
7 obtains written permission of the subject or the subject's
8 legal representative. Any disclosure under this subsection
9 shall be limited to the portion of the recording containing
10 the subject of the encounter captured by the primary officer's
11 body-worn camera. that:

12 ~~(1) if the subject of the encounter has a reasonable~~
13 ~~expectation of privacy, at the time of the recording, any~~
14 ~~recording which is flagged, due to the filing of a~~
15 ~~complaint, discharge of a firearm, use of force, arrest or~~
16 ~~detention, or resulting death or bodily harm, shall be~~
17 ~~disclosed in accordance with the Freedom of Information~~
18 ~~Act if:~~

19 ~~(A) the subject of the encounter captured on the~~
20 ~~recording is a victim or witness; and~~

21 ~~(B) the law enforcement agency obtains written~~
22 ~~permission of the subject or the subject's legal~~
23 ~~representative;~~

24 ~~(2) except as provided in paragraph (1) of this~~
25 ~~subsection (b), any recording which is flagged due to the~~
26 ~~filing of a complaint, discharge of a firearm, use of~~

1 ~~force, arrest or detention, or resulting death or bodily~~
2 ~~harm shall be disclosed in accordance with the Freedom of~~
3 ~~Information Act; and~~

4 ~~(3) upon request, the law enforcement agency shall~~
5 ~~disclose, in accordance with the Freedom of Information~~
6 ~~Act, the recording to the subject of the encounter~~
7 ~~captured on the recording or to the subject's attorney, or~~
8 ~~the officer or his or her legal representative.~~

9 For the purposes of ~~paragraph (1) of this subsection (b),~~
10 a person has no the subject of the encounter does not have a
11 reasonable expectation of privacy if the person the subject
12 was arrested as a result of the encounter or if the encounter
13 was captured in a publicly accessible area. ~~For purposes of~~
14 ~~subparagraph (A) of paragraph (1) of this subsection (b),~~
15 ~~"witness" does not include a person who is a victim or who was~~
16 ~~arrested as a result of the encounter.~~

17 Only recordings or portions of recordings responsive to
18 the request shall be available for inspection or reproduction.
19 Any recording disclosed under the Freedom of Information Act
20 shall be redacted to remove identification of any person that
21 appears on the recording and is not the officer, a subject of
22 the encounter, or directly involved in the encounter if they
23 are readily identifiable and have an expectation of privacy.
24 Nothing in this subsection (b) shall require the disclosure of
25 any recording or portion of any recording which would be
26 exempt from disclosure under the Freedom of Information Act.

1 (c) Nothing in this Section shall limit access to an
2 officer-worn body camera recording for the purposes of
3 complying with Supreme Court rules or the rules of evidence.
4 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
5 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
6 12-6-22.)

7 Section 15. The Law Enforcement Camera Grant Act is
8 amended by changing Sections 10, 15, and 20 as follows:

9 (50 ILCS 707/10)

10 Sec. 10. Law Enforcement Camera Grant Fund; creation,
11 rules.

12 (a) The Law Enforcement Camera Grant Fund is created as a
13 special fund in the State treasury. From appropriations to the
14 Board from the Fund, the Board must make grants to units of
15 local government in Illinois and Illinois public universities
16 for the purpose of (1) purchasing in-car video cameras for use
17 in law enforcement vehicles, (2) purchasing officer-worn body
18 cameras and associated technology for law enforcement
19 officers, and (3) training for law enforcement officers in the
20 operation of the cameras. Grants under this Section may be
21 used to offset data storage costs for officer-worn body
22 cameras. The grant funds may be used for the entire costs of
23 the officer-worn body camera program and contract, including
24 hardware, video management, software and licenses,

1 accessories, storage, maintenance costs warranty, training,
2 charging docks and data transfer devices and systems, and
3 mobile data costs.

4 Moneys received for the purposes of this Section,
5 including, without limitation, fee receipts and gifts, grants,
6 and awards from any public or private entity, must be
7 deposited into the Fund. Any interest earned on moneys in the
8 Fund must be deposited into the Fund.

9 (b) The Board may set requirements for the distribution of
10 grant moneys and determine which law enforcement agencies are
11 eligible.

12 (b-5) The Board shall consider compliance with the Uniform
13 Crime Reporting Act as a factor in awarding grant moneys.

14 (c) (Blank).

15 (d) (Blank).

16 (e) (Blank).

17 (f) (Blank).

18 (g) (Blank).

19 (h) (Blank).

20 (Source: P.A. 102-16, eff. 6-17-21; 102-1104, eff. 12-6-22.)

21 (50 ILCS 707/15)

22 Sec. 15. Rules; in-car video camera grants.

23 (a) The Board shall develop model rules for the use of
24 in-car video cameras to be adopted by law enforcement agencies
25 that receive grants under Section 10 of this Act. The rules

1 shall include all of the following requirements:

2 (1) Cameras must be installed in the law enforcement
3 agency vehicles.

4 (2) Video recording must provide audio of the officer
5 when the officer is outside of the vehicle.

6 (3) Camera access must be restricted to the
7 supervisors of the officer in the vehicle.

8 (4) Cameras must be turned on continuously throughout
9 the officer's shift.

10 (5) A copy of the video record must be made available
11 upon request to personnel of the law enforcement agency,
12 the local State's Attorney, and any persons depicted in
13 the video. Procedures for distribution of the video record
14 must include safeguards to protect the identities of
15 individuals who are not a party to the requested stop.

16 (6) Law enforcement agencies that receive moneys under
17 this grant shall provide for storage of the video records
18 for a period of not less than 2 years.

19 (b) Each law enforcement agency receiving a grant for
20 in-car video cameras under Section 10 of this Act must provide
21 an annual report to the Board, the Governor, and the General
22 Assembly on or before May 1 of the year following the receipt
23 of the grant and by each May 1 thereafter during the period of
24 the grant. The report shall include the following:

25 (1) the number of cameras received by the law
26 enforcement agency;

1 (2) the number of cameras actually installed in law
2 enforcement agency vehicles;

3 (3) a brief description of the review process used by
4 supervisors within the law enforcement agency;

5 (4) (blank); and ~~a list of any criminal, traffic,
6 ordinance, and civil cases in which in car video
7 recordings were used, including party names, case numbers,
8 offenses charged, and disposition of the matter.
9 Proceedings to which this paragraph (4) applies include,
10 but are not limited to, court proceedings, coroner's
11 inquests, grand jury proceedings, and plea bargains; and~~

12 (5) any other information relevant to the
13 administration of the program.

14 (Source: P.A. 99-352, eff. 1-1-16.)

15 (50 ILCS 707/20)

16 Sec. 20. Rules; officer body-worn camera grants.

17 (a) The Board shall develop model rules for the use of
18 officer body-worn cameras to be adopted by law enforcement
19 agencies that receive grants under Section 10 of this Act. The
20 rules shall comply with the Law Enforcement Officer-Worn Body
21 Camera Act.

22 (b) Each law enforcement agency receiving a grant for
23 officer-worn body cameras under Section 10 of this Act must
24 provide an annual report to the Board, the Governor, and the
25 General Assembly on or before May 1 of the year following the

1 receipt of the grant and by each May 1 thereafter during the
2 period of the grant. The report shall include:

3 (1) a brief overview of the makeup of the agency,
4 including the number of officers utilizing officer-worn
5 body cameras;

6 (2) the number of officer-worn body cameras utilized
7 by the law enforcement agency;

8 (3) any technical issues with the equipment and how
9 those issues were remedied;

10 (4) a brief description of the review process used by
11 supervisors within the law enforcement agency;

12 (5) (blank); ~~for each recording used in prosecutions~~
13 ~~of conservation, criminal, or traffic offenses or~~
14 ~~municipal ordinance violations:~~

15 ~~(A) the time, date, and location of the incident;~~

16 and

17 ~~(B) the offenses charged and the date charges were~~
18 ~~filed;~~

19 (6) (blank); and ~~for a recording used in a civil~~
20 ~~proceeding or internal affairs investigation:~~

21 ~~(A) the number of pending civil proceedings and~~
22 ~~internal investigations;~~

23 ~~(B) in resolved civil proceedings and pending~~
24 ~~investigations:~~

25 ~~(i) the nature of the complaint or~~
26 ~~allegations;~~

1 ~~(ii) the disposition, if known; and~~
2 ~~(iii) the date, time and location of the~~
3 ~~incident; and~~

4 (7) any other information relevant to the
5 administration of the program.

6 (c) On or before July 30 of each year, the Board must
7 analyze the law enforcement agency reports and provide an
8 annual report to the General Assembly and the Governor.

9 (Source: P.A. 99-352, eff. 1-1-16.)

10 Section 20. The Criminal Code of 2012 is amended by
11 changing Section 14-3 as follows:

12 (720 ILCS 5/14-3)

13 Sec. 14-3. Exemptions. The following activities shall be
14 exempt from the provisions of this Article:

15 (a) Listening to radio, wireless electronic
16 communications, and television communications of any sort
17 where the same are publicly made;

18 (b) Hearing conversation when heard by employees of
19 any common carrier by wire incidental to the normal course
20 of their employment in the operation, maintenance or
21 repair of the equipment of such common carrier by wire so
22 long as no information obtained thereby is used or
23 divulged by the hearer;

24 (c) Any broadcast by radio, television or otherwise

1 whether it be a broadcast or recorded for the purpose of
2 later broadcasts of any function where the public is in
3 attendance and the conversations are overheard incidental
4 to the main purpose for which such broadcasts are then
5 being made;

6 (d) Recording or listening with the aid of any device
7 to any emergency communication made in the normal course
8 of operations by any federal, state or local law
9 enforcement agency or institutions dealing in emergency
10 services, including, but not limited to, hospitals,
11 clinics, ambulance services, fire fighting agencies, any
12 public utility, emergency repair facility, civilian
13 defense establishment or military installation;

14 (e) Recording the proceedings of any meeting required
15 to be open by the Open Meetings Act, as amended;

16 (f) Recording or listening with the aid of any device
17 to incoming telephone calls of phone lines publicly listed
18 or advertised as consumer "hotlines" by manufacturers or
19 retailers of food and drug products. Such recordings must
20 be destroyed, erased or turned over to local law
21 enforcement authorities within 24 hours from the time of
22 such recording and shall not be otherwise disseminated.
23 Failure on the part of the individual or business
24 operating any such recording or listening device to comply
25 with the requirements of this subsection shall eliminate
26 any civil or criminal immunity conferred upon that

1 individual or business by the operation of this Section;

2 (g) With prior notification to the State's Attorney of
3 the county in which it is to occur, recording or listening
4 with the aid of any device to any conversation where a law
5 enforcement officer, or any person acting at the direction
6 of law enforcement, is a party to the conversation and has
7 consented to it being intercepted or recorded under
8 circumstances where the use of the device is necessary for
9 the protection of the law enforcement officer or any
10 person acting at the direction of law enforcement, in the
11 course of an investigation of a forcible felony, a felony
12 offense of involuntary servitude, involuntary sexual
13 servitude of a minor, or trafficking in persons under
14 Section 10-9 of this Code, an offense involving
15 prostitution, solicitation of a sexual act, or pandering,
16 a felony violation of the Illinois Controlled Substances
17 Act, a felony violation of the Cannabis Control Act, a
18 felony violation of the Methamphetamine Control and
19 Community Protection Act, any "streetgang related" or
20 "gang-related" felony as those terms are defined in the
21 Illinois Streetgang Terrorism Omnibus Prevention Act, or
22 any felony offense involving any weapon listed in
23 paragraphs (1) through (11) of subsection (a) of Section
24 24-1 of this Code. Any recording or evidence derived as
25 the result of this exemption shall be inadmissible in any
26 proceeding, criminal, civil or administrative, except (i)

1 where a party to the conversation suffers great bodily
2 injury or is killed during such conversation, or (ii) when
3 used as direct impeachment of a witness concerning matters
4 contained in the interception or recording. The Director
5 of the Illinois State Police shall issue regulations as
6 are necessary concerning the use of devices, retention of
7 tape recordings, and reports regarding their use;

8 (g-5) (Blank);

9 (g-6) With approval of the State's Attorney of the
10 county in which it is to occur, recording or listening
11 with the aid of any device to any conversation where a law
12 enforcement officer, or any person acting at the direction
13 of law enforcement, is a party to the conversation and has
14 consented to it being intercepted or recorded in the
15 course of an investigation of child pornography,
16 aggravated child pornography, indecent solicitation of a
17 child, luring of a minor, sexual exploitation of a child,
18 aggravated criminal sexual abuse in which the victim of
19 the offense was at the time of the commission of the
20 offense under 18 years of age, or criminal sexual abuse by
21 force or threat of force in which the victim of the offense
22 was at the time of the commission of the offense under 18
23 years of age. In all such cases, an application for an
24 order approving the previous or continuing use of an
25 eavesdropping device must be made within 48 hours of the
26 commencement of such use. In the absence of such an order,

1 or upon its denial, any continuing use shall immediately
2 terminate. The Director of the Illinois State Police shall
3 issue rules as are necessary concerning the use of
4 devices, retention of recordings, and reports regarding
5 their use. Any recording or evidence obtained or derived
6 in the course of an investigation of child pornography,
7 aggravated child pornography, indecent solicitation of a
8 child, luring of a minor, sexual exploitation of a child,
9 aggravated criminal sexual abuse in which the victim of
10 the offense was at the time of the commission of the
11 offense under 18 years of age, or criminal sexual abuse by
12 force or threat of force in which the victim of the offense
13 was at the time of the commission of the offense under 18
14 years of age shall, upon motion of the State's Attorney or
15 Attorney General prosecuting any case involving child
16 pornography, aggravated child pornography, indecent
17 solicitation of a child, luring of a minor, sexual
18 exploitation of a child, aggravated criminal sexual abuse
19 in which the victim of the offense was at the time of the
20 commission of the offense under 18 years of age, or
21 criminal sexual abuse by force or threat of force in which
22 the victim of the offense was at the time of the commission
23 of the offense under 18 years of age be reviewed in camera
24 with notice to all parties present by the court presiding
25 over the criminal case, and, if ruled by the court to be
26 relevant and otherwise admissible, it shall be admissible

1 at the trial of the criminal case. Absent such a ruling,
2 any such recording or evidence shall not be admissible at
3 the trial of the criminal case;

4 (h) Recordings made simultaneously with the use of an
5 in-car video camera recording of an oral conversation
6 between a uniformed peace officer, who has identified his
7 or her office, and a person in the presence of the peace
8 officer whenever (i) an officer assigned a patrol vehicle
9 is conducting an enforcement stop; or (ii) patrol vehicle
10 emergency lights are activated or would otherwise be
11 activated if not for the need to conceal the presence of
12 law enforcement.

13 For the purposes of this subsection (h), "enforcement
14 stop" means an action by a law enforcement officer in
15 relation to enforcement and investigation duties,
16 including but not limited to, traffic stops, pedestrian
17 stops, abandoned vehicle contacts, motorist assists,
18 commercial motor vehicle stops, roadside safety checks,
19 requests for identification, or responses to requests for
20 emergency assistance;

21 (h-5) Recordings of utterances made by a person while
22 in the presence of a uniformed peace officer and while an
23 occupant of a police vehicle including, but not limited
24 to, (i) recordings made simultaneously with the use of an
25 in-car video camera and (ii) recordings made in the
26 presence of the peace officer utilizing video or audio

1 systems, or both, authorized by the law enforcement
2 agency;

3 (h-10) Recordings made simultaneously with a video
4 camera recording during the use of a taser or similar
5 weapon or device by a peace officer if the weapon or device
6 is equipped with such camera;

7 (h-15) Recordings made under subsection (h), (h-5), or
8 (h-10) shall be retained by the law enforcement agency
9 that employs the peace officer who made the recordings for
10 a storage period of 90 days, unless the recordings are
11 made as a part of an arrest or the recordings are deemed
12 evidence in any criminal, civil, or administrative
13 proceeding and then the recordings must only be destroyed
14 upon a final disposition and an order from the court.
15 Under no circumstances shall any recording be altered or
16 erased prior to the expiration of the designated storage
17 period. Upon completion of the storage period, the
18 recording medium may be erased and reissued for
19 operational use;

20 (i) Recording of a conversation made by or at the
21 request of a person, not a law enforcement officer or
22 agent of a law enforcement officer, who is a party to the
23 conversation, under reasonable suspicion that another
24 party to the conversation is committing, is about to
25 commit, or has committed a criminal offense against the
26 person or a member of his or her immediate household, and

1 there is reason to believe that evidence of the criminal
2 offense may be obtained by the recording;

3 (j) The use of a telephone monitoring device by either
4 (1) a corporation or other business entity engaged in
5 marketing or opinion research or (2) a corporation or
6 other business entity engaged in telephone solicitation,
7 as defined in this subsection, to record or listen to oral
8 telephone solicitation conversations or marketing or
9 opinion research conversations by an employee of the
10 corporation or other business entity when:

11 (i) the monitoring is used for the purpose of
12 service quality control of marketing or opinion
13 research or telephone solicitation, the education or
14 training of employees or contractors engaged in
15 marketing or opinion research or telephone
16 solicitation, or internal research related to
17 marketing or opinion research or telephone
18 solicitation; and

19 (ii) the monitoring is used with the consent of at
20 least one person who is an active party to the
21 marketing or opinion research conversation or
22 telephone solicitation conversation being monitored.

23 No communication or conversation or any part, portion,
24 or aspect of the communication or conversation made,
25 acquired, or obtained, directly or indirectly, under this
26 exemption (j), may be, directly or indirectly, furnished

1 to any law enforcement officer, agency, or official for
2 any purpose or used in any inquiry or investigation, or
3 used, directly or indirectly, in any administrative,
4 judicial, or other proceeding, or divulged to any third
5 party.

6 When recording or listening authorized by this
7 subsection (j) on telephone lines used for marketing or
8 opinion research or telephone solicitation purposes
9 results in recording or listening to a conversation that
10 does not relate to marketing or opinion research or
11 telephone solicitation; the person recording or listening
12 shall, immediately upon determining that the conversation
13 does not relate to marketing or opinion research or
14 telephone solicitation, terminate the recording or
15 listening and destroy any such recording as soon as is
16 practicable.

17 Business entities that use a telephone monitoring or
18 telephone recording system pursuant to this exemption (j)
19 shall provide current and prospective employees with
20 notice that the monitoring or recordings may occur during
21 the course of their employment. The notice shall include
22 prominent signage notification within the workplace.

23 Business entities that use a telephone monitoring or
24 telephone recording system pursuant to this exemption (j)
25 shall provide their employees or agents with access to
26 personal-only telephone lines which may be pay telephones,

1 that are not subject to telephone monitoring or telephone
2 recording.

3 For the purposes of this subsection (j), "telephone
4 solicitation" means a communication through the use of a
5 telephone by live operators:

6 (i) soliciting the sale of goods or services;

7 (ii) receiving orders for the sale of goods or
8 services;

9 (iii) assisting in the use of goods or services;

10 or

11 (iv) engaging in the solicitation, administration,
12 or collection of bank or retail credit accounts.

13 For the purposes of this subsection (j), "marketing or
14 opinion research" means a marketing or opinion research
15 interview conducted by a live telephone interviewer
16 engaged by a corporation or other business entity whose
17 principal business is the design, conduct, and analysis of
18 polls and surveys measuring the opinions, attitudes, and
19 responses of respondents toward products and services, or
20 social or political issues, or both;

21 (k) Electronic recordings, including but not limited
22 to, a motion picture, videotape, digital, or other visual
23 or audio recording, made of a custodial interrogation of
24 an individual at a police station or other place of
25 detention by a law enforcement officer under Section
26 5-401.5 of the Juvenile Court Act of 1987 or Section

1 103-2.1 of the Code of Criminal Procedure of 1963;

2 (l) Recording the interview or statement of any person
3 when the person knows that the interview is being
4 conducted by a law enforcement officer or prosecutor and
5 the interview takes place at a police station that is
6 currently participating in the Custodial Interview Pilot
7 Program established under the Illinois Criminal Justice
8 Information Act;

9 (m) An electronic recording, including but not limited
10 to, a motion picture, videotape, digital, or other visual
11 or audio recording, made of the interior of a school bus
12 while the school bus is being used in the transportation
13 of students to and from school and school-sponsored
14 activities, when the school board has adopted a policy
15 authorizing such recording, notice of such recording
16 policy is included in student handbooks and other
17 documents including the policies of the school, notice of
18 the policy regarding recording is provided to parents of
19 students, and notice of such recording is clearly posted
20 on the door of and inside the school bus.

21 Recordings made pursuant to this subsection (m) shall
22 be confidential records and may only be used by school
23 officials (or their designees) and law enforcement
24 personnel for investigations, school disciplinary actions
25 and hearings, proceedings under the Juvenile Court Act of
26 1987, and criminal prosecutions, related to incidents

1 occurring in or around the school bus;

2 (n) Recording or listening to an audio transmission
3 from a microphone placed by a person under the authority
4 of a law enforcement agency inside a bait car surveillance
5 vehicle while simultaneously capturing a photographic or
6 video image;

7 (o) The use of an eavesdropping camera or audio device
8 during an ongoing hostage or barricade situation by a law
9 enforcement officer or individual acting on behalf of a
10 law enforcement officer when the use of such device is
11 necessary to protect the safety of the general public,
12 hostages, or law enforcement officers or anyone acting on
13 their behalf;

14 (p) Recording or listening with the aid of any device
15 to incoming telephone calls of phone lines publicly listed
16 or advertised as the "CPS Violence Prevention Hotline",
17 but only where the notice of recording is given at the
18 beginning of each call as required by Section 34-21.8 of
19 the School Code. The recordings may be retained only by
20 the Chicago Police Department or other law enforcement
21 authorities, and shall not be otherwise retained or
22 disseminated;

23 (q) (1) With prior request to and written or verbal
24 approval of the State's Attorney of the county in which
25 the conversation is anticipated to occur, recording or
26 listening with the aid of an eavesdropping device to a

1 conversation in which a law enforcement officer, or any
2 person acting at the direction of a law enforcement
3 officer, is a party to the conversation and has consented
4 to the conversation being intercepted or recorded in the
5 course of an investigation of a qualified offense. The
6 State's Attorney may grant this approval only after
7 determining that reasonable cause exists to believe that
8 inculpatory conversations concerning a qualified offense
9 will occur with a specified individual or individuals
10 within a designated period of time.

11 (2) Request for approval. To invoke the exception
12 contained in this subsection (q), a law enforcement
13 officer shall make a request for approval to the
14 appropriate State's Attorney. The request may be written
15 or verbal; however, a written memorialization of the
16 request must be made by the State's Attorney. This request
17 for approval shall include whatever information is deemed
18 necessary by the State's Attorney but shall include, at a
19 minimum, the following information about each specified
20 individual whom the law enforcement officer believes will
21 commit a qualified offense:

22 (A) his or her full or partial name, nickname or
23 alias;

24 (B) a physical description; or

25 (C) failing either (A) or (B) of this paragraph

26 (2), any other supporting information known to the law

1 enforcement officer at the time of the request that
2 gives rise to reasonable cause to believe that the
3 specified individual will participate in an
4 inculpatory conversation concerning a qualified
5 offense.

6 (3) Limitations on approval. Each written approval by
7 the State's Attorney under this subsection (q) shall be
8 limited to:

9 (A) a recording or interception conducted by a
10 specified law enforcement officer or person acting at
11 the direction of a law enforcement officer;

12 (B) recording or intercepting conversations with
13 the individuals specified in the request for approval,
14 provided that the verbal approval shall be deemed to
15 include the recording or intercepting of conversations
16 with other individuals, unknown to the law enforcement
17 officer at the time of the request for approval, who
18 are acting in conjunction with or as co-conspirators
19 with the individuals specified in the request for
20 approval in the commission of a qualified offense;

21 (C) a reasonable period of time but in no event
22 longer than 24 consecutive hours;

23 (D) the written request for approval, if
24 applicable, or the written memorialization must be
25 filed, along with the written approval, with the
26 circuit clerk of the jurisdiction on the next business

1 day following the expiration of the authorized period
2 of time, and shall be subject to review by the Chief
3 Judge or his or her designee as deemed appropriate by
4 the court.

5 (3.5) The written memorialization of the request for
6 approval and the written approval by the State's Attorney
7 may be in any format, including via facsimile, email, or
8 otherwise, so long as it is capable of being filed with the
9 circuit clerk.

10 (3.10) Beginning March 1, 2015, each State's Attorney
11 shall annually submit a report to the General Assembly
12 disclosing:

13 (A) the number of requests for each qualified
14 offense for approval under this subsection; and

15 (B) the number of approvals for each qualified
16 offense given by the State's Attorney.

17 (4) Admissibility of evidence. No part of the contents
18 of any wire, electronic, or oral communication that has
19 been recorded or intercepted as a result of this exception
20 may be received in evidence in any trial, hearing, or
21 other proceeding in or before any court, grand jury,
22 department, officer, agency, regulatory body, legislative
23 committee, or other authority of this State, or a
24 political subdivision of the State, other than in a
25 prosecution of:

26 (A) the qualified offense for which approval was

1 given to record or intercept a conversation under this
2 subsection (q);

3 (B) a forcible felony committed directly in the
4 course of the investigation of the qualified offense
5 for which approval was given to record or intercept a
6 conversation under this subsection (q); or

7 (C) any other forcible felony committed while the
8 recording or interception was approved in accordance
9 with this subsection (q), but for this specific
10 category of prosecutions, only if the law enforcement
11 officer or person acting at the direction of a law
12 enforcement officer who has consented to the
13 conversation being intercepted or recorded suffers
14 great bodily injury or is killed during the commission
15 of the charged forcible felony.

16 (5) Compliance with the provisions of this subsection
17 is a prerequisite to the admissibility in evidence of any
18 part of the contents of any wire, electronic or oral
19 communication that has been intercepted as a result of
20 this exception, but nothing in this subsection shall be
21 deemed to prevent a court from otherwise excluding the
22 evidence on any other ground recognized by State or
23 federal law, nor shall anything in this subsection be
24 deemed to prevent a court from independently reviewing the
25 admissibility of the evidence for compliance with the
26 Fourth Amendment to the U.S. Constitution or with Article

1 I, Section 6 of the Illinois Constitution.

2 (6) Use of recordings or intercepts unrelated to
3 qualified offenses. Whenever any private conversation or
4 private electronic communication has been recorded or
5 intercepted as a result of this exception that is not
6 related to an offense for which the recording or intercept
7 is admissible under paragraph (4) of this subsection (q),
8 no part of the contents of the communication and evidence
9 derived from the communication may be received in evidence
10 in any trial, hearing, or other proceeding in or before
11 any court, grand jury, department, officer, agency,
12 regulatory body, legislative committee, or other authority
13 of this State, or a political subdivision of the State,
14 nor may it be publicly disclosed in any way.

15 (6.5) The Illinois State Police shall adopt rules as
16 are necessary concerning the use of devices, retention of
17 recordings, and reports regarding their use under this
18 subsection (q).

19 (7) Definitions. For the purposes of this subsection
20 (q) only:

21 "Forcible felony" includes and is limited to those
22 offenses contained in Section 2-8 of the Criminal Code
23 of 1961 as of the effective date of this amendatory Act
24 of the 97th General Assembly, and only as those
25 offenses have been defined by law or judicial
26 interpretation as of that date.

1 "Qualified offense" means and is limited to:

2 (A) a felony violation of the Cannabis Control
3 Act, the Illinois Controlled Substances Act, or
4 the Methamphetamine Control and Community
5 Protection Act, except for violations of:

6 (i) Section 4 of the Cannabis Control Act;

7 (ii) Section 402 of the Illinois
8 Controlled Substances Act; and

9 (iii) Section 60 of the Methamphetamine
10 Control and Community Protection Act; and

11 (B) first degree murder, solicitation of
12 murder for hire, predatory criminal sexual assault
13 of a child, criminal sexual assault, aggravated
14 criminal sexual assault, aggravated arson,
15 kidnapping, aggravated kidnapping, child
16 abduction, trafficking in persons, involuntary
17 servitude, involuntary sexual servitude of a
18 minor, or gunrunning.

19 "State's Attorney" includes and is limited to the
20 State's Attorney or an assistant State's Attorney
21 designated by the State's Attorney to provide verbal
22 approval to record or intercept conversations under
23 this subsection (q).

24 (8) Sunset. This subsection (q) is inoperative on and
25 after January 1, 2027. No conversations intercepted
26 pursuant to this subsection (q), while operative, shall be

1 inadmissible in a court of law by virtue of the
2 inoperability of this subsection (q) on January 1, 2027.

3 (9) Recordings, records, and custody. Any private
4 conversation or private electronic communication
5 intercepted by a law enforcement officer or a person
6 acting at the direction of law enforcement shall, if
7 practicable, be recorded in such a way as will protect the
8 recording from editing or other alteration. Any and all
9 original recordings made under this subsection (q) shall
10 be inventoried without unnecessary delay pursuant to the
11 law enforcement agency's policies for inventorying
12 evidence. The original recordings shall not be destroyed
13 except upon an order of a court of competent jurisdiction;
14 ~~and~~

15 (r) Electronic recordings, including but not limited
16 to, motion picture, videotape, digital, or other visual or
17 audio recording, made of a lineup under Section 107A-2 of
18 the Code of Criminal Procedure of 1963; ~~and~~

19 (s) Recordings made pursuant to and in compliance with
20 the Law Enforcement Officer-Worn Body Camera Act.

21 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
22 102-918, eff. 5-27-22.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 50 ILCS 706/10-10

5 50 ILCS 706/10-20

6 50 ILCS 707/10

7 50 ILCS 707/15

8 50 ILCS 707/20

9 720 ILCS 5/14-3