

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 8-803.5 as follows:

6 (735 ILCS 5/8-803.5 new)

7 Sec. 8-803.5. Union agent and union member.

8 (a) Except when required in subsection (b) of this Section,
9 a union agent, during the agency or representative relationship
10 or after termination of the agency or representative
11 relationship with the bargaining unit member, shall not be
12 compelled to disclose, in any court or to any administrative
13 board or agency arbitration or proceeding, whether civil or
14 criminal, any information he or she may have acquired in
15 attending to his or her professional duties or while acting in
16 his or her representative capacity.

17 (b) A union agent may use or reveal information obtained
18 during the course of fulfilling his or her professional
19 representative duties:

20 (1) to the extent it appears necessary to prevent the
21 commission of a crime that is likely to result in a clear,
22 imminent risk of serious physical injury or death of
23 another person;

24 (2) in actions, civil or criminal, against the union
25 agent in his or her personal or official representative
26 capacity, or against the local union or subordinate body
27 thereof or international union or affiliated or
28 subordinate body thereof or any agent thereof in their
29 personal or official representative capacities;

30 (3) when required by court order; or

31 (4) when, after full disclosure has been provided, the
32 written or oral consent of the bargaining unit member has

1 been obtained or, if the bargaining unit member is deceased
2 or has been adjudged incompetent by a court of competent
3 jurisdiction, the written or oral consent of the bargaining
4 unit member's estate.

5 (c) In the event of a conflict between the application of
6 this Section and any federal or State labor law to a specific
7 situation, the provisions of the federal or State labor law
8 shall control.