



Rep. Lou Lang

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09400HB1079ham002

LRB094 06722 LCB 42678 a

1 AMENDMENT TO HOUSE BILL 1079

2 AMENDMENT NO. _____. Amend House Bill 1079, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (735 ILCS 5/8-803.5 new)

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

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

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

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

1 (2) in actions, civil or criminal, against the union
2 agent in his or her personal or official representative
3 capacity, or against the local union or subordinate body
4 thereof or international union or affiliated or
5 subordinate body thereof or any agent thereof in their
6 personal or official representative capacities;

7 (3) when required by court order; or

8 (4) when, after full disclosure has been provided, the
9 written or oral consent of the bargaining unit member has
10 been obtained or, if the bargaining unit member is deceased
11 or has been adjudged incompetent by a court of competent
12 jurisdiction, the written or oral consent of the bargaining
13 unit member's estate.

14 (c) In the event of a conflict between the application of
15 this Section and any federal or State labor law to a specific
16 situation, the provisions of the federal or State labor law
17 shall control."