



Rep. Kenneth Dunkin

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LRB099 00239 RLC 32269 a

1 AMENDMENT TO HOUSE BILL 169

2 AMENDMENT NO. _____. Amend House Bill 169 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Records Act is amended by changing
5 Sections 4a and 17 as follows:

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest records and reports.

8 (a) When an individual is arrested, the following
9 information must be made available to the news media for
10 inspection and copying:

11 (1) Information that identifies the individual,
12 including the name, age, address, and photograph, when and
13 if available.

14 (2) Information detailing any charges relating to the
15 arrest.

16 (3) The time and location of the arrest.

1 (4) The name of the investigating or arresting law
2 enforcement agency.

3 (5) If the individual is incarcerated, the amount of
4 any bail or bond.

5 (6) If the individual is incarcerated, the time and
6 date that the individual was received, discharged, or
7 transferred from the arresting agency's custody.

8 (b) The information required by this Section must be made
9 available to the news media for inspection and copying as soon
10 as practicable, but in no event shall the time period exceed 72
11 hours from the arrest. The information described in paragraphs
12 (3), (4), (5), and (6) of subsection (a), however, may be
13 withheld if it is determined that disclosure would:

14 (1) interfere with pending or actually and reasonably
15 contemplated law enforcement proceedings conducted by any
16 law enforcement or correctional agency;

17 (2) endanger the life or physical safety of law
18 enforcement or correctional personnel or any other person;
19 or

20 (3) compromise the security of any correctional
21 facility.

22 (c) For the purposes of this Section, the term "news media"
23 means personnel of a newspaper or other periodical issued at
24 regular intervals whether in print or electronic format, a news
25 service whether in print or electronic format, a radio station,
26 a television station, a television network, a community antenna

1 television service, or a person or corporation engaged in
2 making news reels or other motion picture news for public
3 showing.

4 (d) Each law enforcement or correctional agency may charge
5 fees for arrest records, but in no instance may the fee exceed
6 the actual cost of copying and reproduction. The fees may not
7 include the cost of the labor used to reproduce the arrest
8 record.

9 (e) The provisions of this Section do not supersede the
10 confidentiality provisions for arrest records of the Juvenile
11 Court Act of 1987.

12 (f) All information, including photographs, made available
13 under this Section is subject to the provisions of Section 2000
14 of the Consumer Fraud and Deceptive Business Practices Act.

15 (Source: P.A. 98-555, eff. 1-1-14.)

16 (5 ILCS 160/17) (from Ch. 116, par. 43.20)

17 Sec. 17.

18 (a) Regardless of other authorization to the contrary,
19 except as otherwise provided in subsection (b) of this Section,
20 no record shall be disposed of by any agency of the State,
21 unless approval of the State Records Commission is first
22 obtained. The Commission shall issue regulations, not
23 inconsistent with this Act, which shall be binding on all
24 agencies. Such regulations shall establish procedures for
25 compiling and submitting to the Commission lists and schedules

1 of records proposed for disposal; procedures for the physical
2 destruction or other disposition of records proposed for
3 disposal; and standards for the reproduction of records by
4 digital, photographic, or microphotographic processes with the
5 view to the disposal of the original records. Such standards
6 shall relate to the electronic digital process and format,
7 quality of film used, preparation of the records for
8 reproduction, proper identification matter on the records so
9 that an individual document or series of documents can be
10 located on the film or electronic medium with reasonable
11 facility, and that the copies contain all significant record
12 detail, to the end that the photographic, microphotographic, or
13 digital copies will be adequate.

14 Such regulations shall also provide that the State
15 archivist may retain any records which the Commission has
16 authorized to be destroyed, where they have a historical value,
17 and that the State archivist may deposit them in the State
18 Archives or State Historical Library or with a historical
19 society, museum or library.

20 (b) Upon request from a chief of police, county sheriff, or
21 State's Attorney, if a person has been arrested for a criminal
22 offense and an investigation reveals that the person arrested
23 was not in fact the individual the arresting officer believed
24 him or her to be, the law enforcement agency whose officers
25 made the arrest shall delete or retract the arrest records of
26 that person whom the investigation revealed as not the

1 individual the arresting office believed him or her to be. In
2 this subsection (b):

3 "Arrest records" are as described in Section 4a of this
4 Act.

5 "Law enforcement agency" means an agency of this State
6 which is vested by law or ordinance with the duty to
7 maintain public order and to enforce criminal laws or
8 ordinances.

9 (Source: P.A. 92-866, eff. 1-3-03.)

10 Section 10. The Local Records Act is amended by changing
11 Sections 3b and 4 as follows:

12 (50 ILCS 205/3b)

13 Sec. 3b. Arrest records and reports.

14 (a) When an individual is arrested, the following
15 information must be made available to the news media for
16 inspection and copying:

17 (1) Information that identifies the individual,
18 including the name, age, address, and photograph, when and
19 if available.

20 (2) Information detailing any charges relating to the
21 arrest.

22 (3) The time and location of the arrest.

23 (4) The name of the investigating or arresting law
24 enforcement agency.

1 (5) If the individual is incarcerated, the amount of
2 any bail or bond.

3 (6) If the individual is incarcerated, the time and
4 date that the individual was received, discharged, or
5 transferred from the arresting agency's custody.

6 (b) The information required by this Section must be made
7 available to the news media for inspection and copying as soon
8 as practicable, but in no event shall the time period exceed 72
9 hours from the arrest. The information described in paragraphs
10 (3), (4), (5), and (6) of subsection (a), however, may be
11 withheld if it is determined that disclosure would:

12 (1) interfere with pending or actually and reasonably
13 contemplated law enforcement proceedings conducted by any
14 law enforcement or correctional agency;

15 (2) endanger the life or physical safety of law
16 enforcement or correctional personnel or any other person;
17 or

18 (3) compromise the security of any correctional
19 facility.

20 (c) For the purposes of this Section the term "news media"
21 means personnel of a newspaper or other periodical issued at
22 regular intervals whether in print or electronic format, a news
23 service whether in print or electronic format, a radio station,
24 a television station, a television network, a community antenna
25 television service, or a person or corporation engaged in
26 making news reels or other motion picture news for public

1 showing.

2 (d) Each law enforcement or correctional agency may charge
3 fees for arrest records, but in no instance may the fee exceed
4 the actual cost of copying and reproduction. The fees may not
5 include the cost of the labor used to reproduce the arrest
6 record.

7 (e) The provisions of this Section do not supersede the
8 confidentiality provisions for arrest records of the Juvenile
9 Court Act of 1987.

10 (f) All information, including photographs, made available
11 under this Section is subject to the provisions of Section 2000
12 of the Consumer Fraud and Deceptive Business Practices Act.
13 (Source: P.A. 98-555, eff. 1-1-14.)

14 (50 ILCS 205/4) (from Ch. 116, par. 43.104)
15 Sec. 4.

16 (a) Except as otherwise provided in subsection (b) of this
17 Section, all ~~All~~ public records made or received by, or under
18 the authority of, or coming into the custody, control or
19 possession of any officer or agency shall not be mutilated,
20 destroyed, transferred, removed or otherwise damaged or
21 disposed of, in whole or in part, except as provided by law.
22 Any person who knowingly, without lawful authority and with the
23 intent to defraud any party, public officer, or entity, alters,
24 destroys, defaces, removes, or conceals any public record
25 commits a Class 4 felony.

1 Court records filed with the clerks of the Circuit Court
2 shall be destroyed in accordance with the Supreme Court's
3 General Administrative Order on Recordkeeping in the Circuit
4 Courts. The clerks of the Circuit Courts shall notify the
5 Supreme Court, in writing, specifying case records or other
6 documents which they intend to destroy. The Supreme Court shall
7 review the schedule of items to be destroyed and notify the
8 appropriate Local Records Commission of the Court's intent to
9 destroy such records. The Local Records Commission, within 90
10 days after receipt of the Supreme Court's notice, may undertake
11 to photograph, microphotograph, or digitize electronically any
12 or all such records and documents, or, in the alternative, may
13 transport such original records to the State Archives or other
14 storage location under its supervision.

15 The Archivist may accept for deposit in the State Archives
16 or regional depositories official papers, drawings, maps,
17 writings and records of every description of counties,
18 municipal corporations, political subdivisions and courts of
19 this State, when such materials are deemed by the Archivist to
20 have sufficient historical or other value to warrant their
21 continued preservation by the State of Illinois.

22 The officer or clerk depositing such records may, upon
23 request, obtain from the Archivist, without charge, a certified
24 copy or reproduction of any specific record, paper or document
25 when such record, paper or document is required for public use.

26 (b) Upon request from a chief of police, county sheriff, or

1 State's Attorney, if a person has been arrested for a criminal
2 offense and an investigation reveals that the person arrested
3 was not in fact the individual the arresting officer believed
4 him or her to be, the law enforcement agency whose officers
5 made the arrest shall delete or retract the arrest records of
6 that person whom the investigation revealed as not the
7 individual the arresting office believed him or her to be. In
8 this subsection (b):

9 "Arrest records" are as described in Section 3b of this
10 Act.

11 "Law enforcement agency" means an agency of a unit of
12 local government which is vested by law or ordinance with
13 the duty to maintain public order and to enforce criminal
14 laws or ordinances.

15 (Source: P.A. 98-1063, eff. 1-1-15.)".