



Rep. Barbara Flynn Currie

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LRB099 11227 SXM 33264 a

1 AMENDMENT TO HOUSE BILL 3932

2 AMENDMENT NO. _____. Amend House Bill 3932 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Private College Campus Police Act is
5 amended by adding Section 1.5 as follows:

6 (110 ILCS 1020/1.5 new)

7 Sec. 1.5. Records.

8 (a) Information and records in the custody or possession of
9 a campus police department subject to this Act shall be open to
10 inspection or copying in the same manner as public records
11 under the Freedom of Information Act.

12 (b) Records subject to inspection and copying under
13 subsection (a) of this Section include, but are not limited to:

14 (1) warning citations, field interview cards, and
15 field contact reports;

16 (2) incident reports and case reports;

1 (3) arrest reports, including any information required
2 to be furnished by local criminal justice agencies under
3 the Freedom of Information Act;

4 (4) emergency call recordings or transcripts;

5 (5) department directives; and

6 (6) crime data and statistics.

7 The following records are not subject to inspection and
8 copying under subsection (a) of this Section:

9 (1) employment matters, including grievances and
10 disciplinary matters;

11 (2) labor contract negotiations;

12 (3) wage information;

13 (4) information about insurance;

14 (5) records relating to all ongoing investigations or
15 security threats the disclosure of which could jeopardize
16 public safety;

17 (6) records relating to students and related
18 disciplinary proceedings and actions, including, but not
19 limited to, those prohibited by the federal Family
20 Educational Rights and Privacy Act of 1974 and the Illinois
21 Health Insurance Portability and Accountability Act;

22 (7) records relating to campus building access;

23 (8) records, tapes, and other digital media from campus
24 security cameras; and

25 (9) non-criminal campus incident reports.

26 (c) A person shall request records and a campus police

1 department shall make records available for public inspection
2 in the same manner and according to the same timelines required
3 under the Freedom of Information Act. A campus police
4 department may impose fees in the same manner as public bodies
5 under the Freedom of Information Act. A campus police
6 department is not required to copy a record that is published
7 on the department's website. The campus police department shall
8 notify the requester that the record is available online and
9 direct the requester to the website where the record can be
10 reasonably accessed.

11 (d) Each campus police department shall designate one or
12 more employees to act as open records officers. Open records
13 officers or their designees shall receive requests submitted to
14 the campus police department, ensure that the campus police
15 department responds to requests in a timely fashion, and issue
16 responses. All open records officers must, within 6 months
17 after the effective date of this amendatory Act of the 99th
18 General Assembly, successfully complete an electronic training
19 curriculum to be developed by the Public Access Counselor
20 established in the Office of the Attorney General and
21 thereafter successfully complete an annual training program.
22 Thereafter, whenever a new open records officer is designated
23 by a campus police department, that person shall successfully
24 complete the electronic training curriculum within 30 days
25 after assuming the position.

26 (e) Each campus police department that maintains an

1 Internet website shall post on its website a brief description
2 of the methods whereby the public may request information and
3 records, a directory designating the open records officer or
4 officers, the address where requests for records should be
5 directed, and any fees allowable under subsection (c) of this
6 Section. If the campus police department does not maintain a
7 website, such information shall be prominently displayed in its
8 offices and made available for inspection and copying.

9 (f) When a request is made to inspect or copy a record that
10 contains information that would be exempt from disclosure under
11 the Freedom of Information Act (including, but not limited to,
12 exemptions listed in Sections 2.15 and 7 of the Freedom of
13 Information Act), the campus police department may redact the
14 information subject to the exemptions. A person whose request
15 to inspect or copy a record is denied, in whole or in part, by a
16 campus police department may file a request for review with the
17 Public Access Counselor established in the Office of the
18 Attorney General in the same manner as provided under Section
19 9.5 of the Freedom of Information Act.

20 (g) (1) Any person denied access to inspect or copy any
21 record required to be open to inspection or copying under
22 subsection (a) of this Section by a campus police department
23 may file suit for injunctive or declaratory relief in the
24 circuit court for the county where the campus police department
25 is located.

26 (2) The circuit court shall have the jurisdiction to

1 enjoin the campus police department from withholding
2 applicable records and to order the production of any
3 records improperly withheld from the person seeking
4 access. If the campus police department can show that
5 exceptional circumstances exist and that the department is
6 exercising due diligence in responding to the request, the
7 court may retain jurisdiction and allow the department
8 additional time to complete its review of the records.

9 (3) If a person seeking the right to inspect or receive
10 a copy of a record prevails in a proceeding under this
11 subsection (g), the court shall award such person
12 reasonable attorney's fees and costs.

13 (4) If the court determines that a campus police
14 department willfully and intentionally failed to comply
15 with this Section or otherwise acted in bad faith, the
16 court shall also impose upon the campus police department a
17 civil penalty of not less than \$2,500 nor more than \$5,000
18 for each occurrence. In assessing the civil penalty, the
19 court shall consider in aggravation or mitigation the
20 budget of the campus police department and whether the
21 department has previously been assessed penalties for
22 violations of this Section."