

1 AN ACT to amend the Code of Civil Procedure by adding
2 Section 2-1306.

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

5 Section 5. The Code of Civil Procedure is amended by
6 adding Section 2-1306 as follows:

7 (735 ILCS 5/2-1306 new)

8 Sec. 2-1306. Sunshine in litigation.

9 (a) As used in this Section, "public hazard" means an
10 instrumentality, including but not limited to a device, an
11 instrument, a procedure, a product, or a condition of a
12 device, an instrument, a procedure, or a product, that has
13 caused and is likely to cause injury.

14 (b) Except under this Section, no court may enter an
15 order or a judgment that has the purpose or effect of
16 concealing a public hazard or any information concerning a
17 public hazard, nor may the court enter an order or a judgment
18 that has the purpose or effect of concealing any information
19 that would give notice to members of the public of a
20 potential injury that may result from the public hazard.

21 (c) Any portion of an agreement or a contract that has
22 the purpose or effect of concealing a public hazard, any
23 information concerning a public hazard, or any information
24 that may be useful to members of the public in protecting
25 themselves from injury that may result from the public hazard
26 is void, contrary to public policy, and may not be enforced.

27 (d) Any substantially affected person, including but not
28 limited to representatives of news media, has standing to
29 contest an order, a judgment, an agreement, or a contract
30 that violates this Section. A person may contest an order, a
31 judgment, an agreement, or a contract that violates this

1 Section by motion in the court that entered the order or
2 judgment or by bringing an action for declaratory judgment.

3 (e) Upon motion and good cause shown by a party
4 attempting to prevent disclosure of information or materials
5 that have not previously been disclosed, including but not
6 limited to alleged trade secrets, the court may examine the
7 disputed information or materials in camera. If the court
8 finds that there is probable cause to believe that the
9 information or materials or portions of the information or
10 materials consist of information concerning a public hazard
11 or information that would give notice to members of the
12 public of a potential injury that may result from a public
13 hazard, the court may allow disclosure of the information or
14 materials. If allowing disclosure, the court may allow
15 disclosure of only that portion of the information or
16 materials necessary or useful to the public regarding the
17 public hazard.

18 (f) This Section applies to causes of action accruing on
19 or after July 1, 2001.

20 Section 99. Effective date. This Act takes effect July
21 1, 2001.