

AN ACT concerning business.

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

Section 5. The Freedom of Information Act is amended by changing Section 2.15 as follows:

(5 ILCS 140/2.15)

Sec. 2.15. Arrest reports and criminal history records.

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

(b) Criminal history records. The following documents

maintained by a public body pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to this Act: (i) court records that are public; (ii) records that are otherwise available under State or local law; and (iii) records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi).

(c) Information described in items (iii) through (vi) of subsection (a) may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(d) The provisions of this Section do not supersede the confidentiality provisions for law enforcement or arrest records of the Juvenile Court Act of 1987.

(e) Notwithstanding the requirements of subsection (a), a law enforcement agency may not publish booking photographs, commonly known as "mugshots", on its social media website in connection with civil offenses, petty offenses, business offenses, Class C misdemeanors, and Class B misdemeanors unless the booking photograph is posted to social media to assist in the search for a missing person or to assist in the search for a fugitive, person of interest, or individual wanted in

relation to a crime other than a petty offense, business offense, Class C misdemeanor, or Class B misdemeanor.

(Source: P.A. 99-298, eff. 8-6-15.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2000 as follows:

(815 ILCS 505/2000)

Sec. 2000. Criminal record information.

(a) It is an unlawful practice for any person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium to solicit or accept the payment of a fee or other consideration to remove, correct, or modify said criminal record information.

(b) For the purposes of this Section, "criminal record information" includes any and all of the following:

(1) descriptions or notations of any arrests, any formal criminal charges, and the disposition of those criminal charges, including, but not limited to, any information made available under Section 4a of the State Records Act or Section 3b of the Local Records Act;

(2) photographs of the person taken pursuant to an arrest or other involvement in the criminal justice system;
or

(3) personal identifying information, including a person's name, address, date of birth, photograph, and

social security number or other government-issued identification number.

(c) A person or entity that publishes for profit a person's criminal record information on a publicly available Internet website or in any other publication that charges a fee for removal or correction of the information must correct any errors in the individual's criminal history information within 5 business days after notification of an error. Failure to correct an error in the individual's criminal record information constitutes an unlawful practice within the meaning of this Act.

(d) A person whose criminal record information is published for profit on a publicly available Internet website or in any other publication that charges a fee for removal or correction of the information may demand the publisher to correct the information if the subject of the information, or his or her representative, sends a letter, via certified mail, to the publishing entity demanding the information be corrected and providing documentation of the correct information.

(e) Failure by a for-profit publishing entity that publishes on a publicly available Internet website or in any other publication that charges a fee for removal or correction of the information to correct the person's published criminal record information within 5 business days after receipt of the notice, demand for correction, and the provision of correct information, constitutes an unlawful and deceptive practice

within the meaning of this Act. In addition to any other remedy available under this Act, a person who has been injured by a violation of this Section is entitled to the damages of \$100 per day, plus attorney's fees, for the publisher's failure to correct the criminal record information.

(f) This Section does not apply to a play, book, magazine, newspaper, musical, composition, visual work, work of art, audiovisual work, radio, motion picture, or television program, or a dramatic, literary, or musical work.

(g) This Section does not apply to a news medium or reporter as defined in Section 8-902 of the Code of Civil Procedure.

(h) This Section does not apply to the Illinois State Police.

(i) This Section does not apply to a consumer reporting agency as defined under 15 U.S.C. 1681a(f).

(j) Nothing in this Section shall be construed to impose liability on an interactive computer service, as defined in 47 U.S.C. 230(f)(2), for content provided by another person.

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