

HB5818



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5818

Introduced 4/17/2024, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

15 ILCS 305/5.1 new
5 ILCS 140/7.5

Amends the Secretary of State Act. Provides that the Office of the Secretary of State shall install and maintain electronic monitoring devices at each entrance to the State Capitol Complex and shall install and maintain safety call boxes around the State Capitol Complex. Provides that any video or audio recording created or maintained under the provision is exempt from disclosure under the Freedom of Information Act. Defines terms. Amends the Freedom of Information Act to make a conforming change.

LRB103 40301 RTM 72380 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 1. This Act may be referred to as the Capitol
5 Security and Safety Act.

6 Section 5. The Secretary of State Act is amended by adding
7 Section 5.1 as follows:

8 (15 ILCS 305/5.1 new)

9 Sec. 5.1. Installation of security devices in State
10 Capitol Complex.

11 (a) The Office of the Secretary of State shall install and
12 maintain electronic monitoring devices at each entrance to the
13 State Capitol Complex and shall install and maintain safety
14 call boxes around the State Capitol Complex.

15 (b) Any video or audio recording created or maintained
16 under this Section is exempt from disclosure under the Freedom
17 of Information Act.

18 (c) As used in this Section:

19 "Electronic monitoring device" means a surveillance
20 instrument with a fixed position video camera, an audio
21 recording device, or both that records activity or sounds and
22 transmits activity or sounds to the Secretary of State

1 Department of Police.

2 "Safety call box" means a well lit, publicly accessible
3 call box that houses a telecommunication device that may be
4 used by an individual who feels unsafe and who wishes to
5 communicate with law enforcement authorities and alert those
6 authorities of the individual's location.

7 Section 10. The Freedom of Information Act is amended by
8 changing Section 7.5 as follows:

9 (5 ILCS 140/7.5)

10 (Text of Section before amendment by P.A. 103-472)

11 Sec. 7.5. Statutory exemptions. To the extent provided for
12 by the statutes referenced below, the following shall be
13 exempt from inspection and copying:

14 (a) All information determined to be confidential
15 under Section 4002 of the Technology Advancement and
16 Development Act.

17 (b) Library circulation and order records identifying
18 library users with specific materials under the Library
19 Records Confidentiality Act.

20 (c) Applications, related documents, and medical
21 records received by the Experimental Organ Transplantation
22 Procedures Board and any and all documents or other
23 records prepared by the Experimental Organ Transplantation
24 Procedures Board or its staff relating to applications it

1 has received.

2 (d) Information and records held by the Department of
3 Public Health and its authorized representatives relating
4 to known or suspected cases of sexually transmissible
5 disease or any information the disclosure of which is
6 restricted under the Illinois Sexually Transmissible
7 Disease Control Act.

8 (e) Information the disclosure of which is exempted
9 under Section 30 of the Radon Industry Licensing Act.

10 (f) Firm performance evaluations under Section 55 of
11 the Architectural, Engineering, and Land Surveying
12 Qualifications Based Selection Act.

13 (g) Information the disclosure of which is restricted
14 and exempted under Section 50 of the Illinois Prepaid
15 Tuition Act.

16 (h) Information the disclosure of which is exempted
17 under the State Officials and Employees Ethics Act, and
18 records of any lawfully created State or local inspector
19 general's office that would be exempt if created or
20 obtained by an Executive Inspector General's office under
21 that Act.

22 (i) Information contained in a local emergency energy
23 plan submitted to a municipality in accordance with a
24 local emergency energy plan ordinance that is adopted
25 under Section 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers
2 under the Emergency Telephone System Act.

3 (k) Law enforcement officer identification information
4 or driver identification information compiled by a law
5 enforcement agency or the Department of Transportation
6 under Section 11-212 of the Illinois Vehicle Code.

7 (l) Records and information provided to a residential
8 health care facility resident sexual assault and death
9 review team or the Executive Council under the Abuse
10 Prevention Review Team Act.

11 (m) Information provided to the predatory lending
12 database created pursuant to Article 3 of the Residential
13 Real Property Disclosure Act, except to the extent
14 authorized under that Article.

15 (n) Defense budgets and petitions for certification of
16 compensation and expenses for court appointed trial
17 counsel as provided under Sections 10 and 15 of the
18 Capital Crimes Litigation Act (repealed). This subsection
19 (n) shall apply until the conclusion of the trial of the
20 case, even if the prosecution chooses not to pursue the
21 death penalty prior to trial or sentencing.

22 (o) Information that is prohibited from being
23 disclosed under Section 4 of the Illinois Health and
24 Hazardous Substances Registry Act.

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Department of Transportation under Sections 2705-300 and
3 2705-616 of the Department of Transportation Law of the
4 Civil Administrative Code of Illinois, the Regional
5 Transportation Authority under Section 2.11 of the
6 Regional Transportation Authority Act, or the St. Clair
7 County Transit District under the Bi-State Transit Safety
8 Act (repealed).

9 (q) Information prohibited from being disclosed by the
10 Personnel Record Review Act.

11 (r) Information prohibited from being disclosed by the
12 Illinois School Student Records Act.

13 (s) Information the disclosure of which is restricted
14 under Section 5-108 of the Public Utilities Act.

15 (t) (Blank).

16 (u) Records and information provided to an independent
17 team of experts under the Developmental Disability and
18 Mental Health Safety Act (also known as Brian's Law).

19 (v) Names and information of people who have applied
20 for or received Firearm Owner's Identification Cards under
21 the Firearm Owners Identification Card Act or applied for
22 or received a concealed carry license under the Firearm
23 Concealed Carry Act, unless otherwise authorized by the
24 Firearm Concealed Carry Act; and databases under the
25 Firearm Concealed Carry Act, records of the Concealed
26 Carry Licensing Review Board under the Firearm Concealed

1 Carry Act, and law enforcement agency objections under the
2 Firearm Concealed Carry Act.

3 (v-5) Records of the Firearm Owner's Identification
4 Card Review Board that are exempted from disclosure under
5 Section 10 of the Firearm Owners Identification Card Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

9 (x) Information which is exempted from disclosure
10 under Section 5-1014.3 of the Counties Code or Section
11 8-11-21 of the Illinois Municipal Code.

12 (y) Confidential information under the Adult
13 Protective Services Act and its predecessor enabling
14 statute, the Elder Abuse and Neglect Act, including
15 information about the identity and administrative finding
16 against any caregiver of a verified and substantiated
17 decision of abuse, neglect, or financial exploitation of
18 an eligible adult maintained in the Registry established
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

24 (aa) Information which is exempted from disclosure
25 under Section 2.37 of the Wildlife Code.

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act.

5 (dd) Information that is prohibited from being
6 disclosed under Section 45 of the Condominium and Common
7 Interest Community Ombudsperson Act.

8 (ee) Information that is exempted from disclosure
9 under Section 30.1 of the Pharmacy Practice Act.

10 (ff) Information that is exempted from disclosure
11 under the Revised Uniform Unclaimed Property Act.

12 (gg) Information that is prohibited from being
13 disclosed under Section 7-603.5 of the Illinois Vehicle
14 Code.

15 (hh) Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

17 (ii) Information which is exempted from disclosure
18 under Section 2505-800 of the Department of Revenue Law of
19 the Civil Administrative Code of Illinois.

20 (jj) Information and reports that are required to be
21 submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (kk) Information prohibited from disclosure under the
26 Seizure and Forfeiture Reporting Act.

1 (ll) Information the disclosure of which is restricted
2 and exempted under Section 5-30.8 of the Illinois Public
3 Aid Code.

4 (mm) Records that are exempt from disclosure under
5 Section 4.2 of the Crime Victims Compensation Act.

6 (nn) Information that is exempt from disclosure under
7 Section 70 of the Higher Education Student Assistance Act.

8 (oo) Communications, notes, records, and reports
9 arising out of a peer support counseling session
10 prohibited from disclosure under the First Responders
11 Suicide Prevention Act.

12 (pp) Names and all identifying information relating to
13 an employee of an emergency services provider or law
14 enforcement agency under the First Responders Suicide
15 Prevention Act.

16 (qq) Information and records held by the Department of
17 Public Health and its authorized representatives collected
18 under the Reproductive Health Act.

19 (rr) Information that is exempt from disclosure under
20 the Cannabis Regulation and Tax Act.

21 (ss) Data reported by an employer to the Department of
22 Human Rights pursuant to Section 2-108 of the Illinois
23 Human Rights Act.

24 (tt) Recordings made under the Children's Advocacy
25 Center Act, except to the extent authorized under that
26 Act.

1 (uu) Information that is exempt from disclosure under
2 Section 50 of the Sexual Assault Evidence Submission Act.

3 (vv) Information that is exempt from disclosure under
4 subsections (f) and (j) of Section 5-36 of the Illinois
5 Public Aid Code.

6 (wv) Information that is exempt from disclosure under
7 Section 16.8 of the State Treasurer Act.

8 (xx) Information that is exempt from disclosure or
9 information that shall not be made public under the
10 Illinois Insurance Code.

11 (yy) Information prohibited from being disclosed under
12 the Illinois Educational Labor Relations Act.

13 (zz) Information prohibited from being disclosed under
14 the Illinois Public Labor Relations Act.

15 (aaa) Information prohibited from being disclosed
16 under Section 1-167 of the Illinois Pension Code.

17 (bbb) Information that is prohibited from disclosure
18 by the Illinois Police Training Act and the Illinois State
19 Police Act.

20 (ccc) Records exempt from disclosure under Section
21 2605-304 of the Illinois State Police Law of the Civil
22 Administrative Code of Illinois.

23 (ddd) Information prohibited from being disclosed
24 under Section 35 of the Address Confidentiality for
25 Victims of Domestic Violence, Sexual Assault, Human
26 Trafficking, or Stalking Act.

1 (eee) Information prohibited from being disclosed
2 under subsection (b) of Section 75 of the Domestic
3 Violence Fatality Review Act.

4 (fff) Images from cameras under the Expressway Camera
5 Act. This subsection (fff) is inoperative on and after
6 July 1, 2025.

7 (ggg) Information prohibited from disclosure under
8 paragraph (3) of subsection (a) of Section 14 of the Nurse
9 Agency Licensing Act.

10 (hhh) Information submitted to the Illinois State
11 Police in an affidavit or application for an assault
12 weapon endorsement, assault weapon attachment endorsement,
13 .50 caliber rifle endorsement, or .50 caliber cartridge
14 endorsement under the Firearm Owners Identification Card
15 Act.

16 (iii) Data exempt from disclosure under Section 50 of
17 the School Safety Drill Act.

18 (jjj) ~~(hhh)~~ Information exempt from disclosure under
19 Section 30 of the Insurance Data Security Law.

20 (kkk) ~~(iii)~~ Confidential business information
21 prohibited from disclosure under Section 45 of the Paint
22 Stewardship Act.

23 (lll) (Reserved).

24 (mmm) ~~(iii)~~ Information prohibited from being
25 disclosed under subsection (e) of Section 1-129 of the
26 Illinois Power Agency Act.

1 (nnn) Recordings that are exempt from disclosure under
2 Section 5.1 of the Secretary of State Act.

3 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
4 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
5 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
6 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
7 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
8 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
9 revised 1-2-24.)

10 (Text of Section after amendment by P.A. 103-472)

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19 (kkk) ~~(iii)~~ Confidential business information
20 prohibited from disclosure under Section 45 of the Paint
21 Stewardship Act.

22 (lll) ~~(iii)~~ Data exempt from disclosure under Section
23 2-3.196 of the School Code.

24 (mmm) ~~(iii)~~ Information prohibited from being
25 disclosed under subsection (e) of Section 1-129 of the
26 Illinois Power Agency Act.

1 (nnn) Recordings that are exempt from disclosure under
2 Section 5.1 of the Secretary of State Act.

3 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
4 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
5 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
6 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
7 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
8 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
9 103-580, eff. 12-8-23; revised 1-2-24.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.