

SB2329



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2329

Introduced 2/10/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
605 ILCS 140/1
605 ILCS 140/3
605 ILCS 140/5

Amends the Expressway Camera Act. Renames the Act to the Expressway and Highway Camera Act. Establishes that funds from the Illinois State Tollway Highway Authority may be used for installation and maintenance of the camera systems, telecommunications costs, data storage costs, and for camera warranties. Provides that cameras shall be interoperable with the Illinois State Police current camera system. Makes other changes. Amends the Freedom of Information Act. Provides that the provision exempting images from cameras under the Expressway and Highway Camera Act are inoperative on and after July 1, 2025 (rather than 2023). Effective immediately.

LRB103 30748 MXP 57227 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

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

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

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

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

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

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

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

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

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

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

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

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality
5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
7 Act.

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

10 (bb) Information which is or was prohibited from
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

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

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

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

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

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

4 (jj) Information and reports that are required to be
5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

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

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

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

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

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

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

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

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

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

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

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

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway and
15 Highway Camera Act. This subsection (fff) is inoperative
16 on and after July 1, 2025 ~~2023~~.

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 (hhh) Information submitted to the Department of State
21 Police in an affidavit or application for an assault
22 weapon endorsement, assault weapon attachment endorsement,
23 .50 caliber rifle endorsement, or .50 caliber cartridge
24 endorsement under the Firearm Owners Identification Card
25 Act.

26 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;

1 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
2 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
3 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
4 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
5 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
6 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
8 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

9 Section 10. The Expressway Camera Act is amended by
10 changing Sections 1, 3, and 5 as follows:

11 (605 ILCS 140/1)

12 (Section scheduled to be repealed on July 1, 2025)

13 Sec. 1. Short title; references to Act. This Act may be
14 cited as the Expressway and Highway Camera Act.

15 References to Act. This Act may be referred to as the
16 Tamara Clayton Expressway Camera Act.

17 (Source: P.A. 101-42, eff. 1-1-20.)

18 (605 ILCS 140/3)

19 (Section scheduled to be repealed on July 1, 2025)

20 Sec. 3. Definitions. As used in this Act:

21 "Aggravated vehicular hijacking" has the meaning provided
22 in Section 18-4 of the Criminal Code of 2012.

23 "Authorized user" means a designated peace officer or

1 member of law enforcement personnel who has received training
2 in the review and use of images and associated technology.

3 "Expressway" has the meaning provided in Section 1-119.3
4 of the Illinois Vehicle Code.

5 "Forcible felony" means the following offenses: treason,
6 first degree murder, second degree murder, predatory criminal
7 sexual assault of a child, aggravated criminal sexual assault,
8 criminal sexual assault, robbery, burglary, residential
9 burglary, aggravated arson, arson, aggravated kidnaping,
10 kidnaping, and aggravated battery resulting in great bodily
11 harm or permanent disability or disfigurement.

12 "Highway" has the meaning designated under Section 1-126.1
13 of the Illinois Vehicle Code.

14 "Terrorism" has the meaning provided in Section 29D-14.9
15 of the Criminal Code of 2012.

16 "Vehicular hijacking" has the meaning provided in Section
17 18-3 of the Criminal Code of 2012.

18 (Source: P.A. 102-1042, eff. 6-3-22.)

19 (605 ILCS 140/5)

20 (Section scheduled to be repealed on July 1, 2025)

21 Sec. 5. Camera program.

22 (a) The Illinois State Police, the Illinois Department of
23 Transportation, and the Illinois State Toll Highway Authority
24 shall work together to conduct a program to increase the
25 amount of cameras along expressways and the State highway

1 system ~~in the counties of Boone, Bureau, Champaign, Cook,~~
2 ~~DeKalb, DuPage, Grundy, Henry, Kane, Kendall, Lake, LaSalle,~~
3 ~~Macon, Madison, McHenry, Morgan, Peoria, Rock Island,~~
4 ~~Sangamon, St. Clair, Will, and Winnebago and Jean-Baptiste~~
5 ~~Pointe DuSable Lake Shore Drive.~~ Within 90 days after June 3,
6 2022 (the effective date of Public Act 102-1042) ~~this~~
7 ~~amendatory Act of the 102nd General Assembly,~~ details about
8 the program objectives, counties where the program is
9 operational, and policies under which the program operates
10 shall be made publicly available and posted online.

11 (b) Images from the cameras may be extracted by any
12 authorized user and used by any municipal police department,
13 county sheriff's office, State Police officer, or other law
14 enforcement agency with jurisdiction in the investigation of
15 any offenses involving vehicular hijacking, aggravated
16 vehicular hijacking, terrorism, motor vehicle theft, or any
17 forcible felony, including, but not limited to, offenses
18 involving the use of a firearm; to detect expressway hazards
19 and highway conditions; and to facilitate highway safety and
20 incident management. Images from the cameras shall not be used
21 to enforce petty offenses or offenses not listed in this
22 subsection, unless use of the images pertains to expressway or
23 highway safety or hazards. Images from the cameras may be used
24 by any law enforcement agency conducting an active law
25 enforcement investigation. All images from the cameras shall
26 be deleted within 120 days, unless the images are relevant to

1 an ongoing investigation or pending criminal trial. Cameras
2 shall not be used to monitor individuals or groups in a
3 discriminatory manner contrary to applicable State or federal
4 law.

5 (b-5) By June 30th of each year, the Illinois State
6 Police, the Illinois Department of Transportation, and the
7 Illinois State Toll Highway Authority shall issue a joint
8 report to the General Assembly detailing the program
9 operations, including, but not limited to:

10 (1) the cost of installation of cameras by county;

11 (2) the cost of ongoing maintenance of the camera
12 systems per county, including electrical costs and data
13 transfer costs;

14 (3) the number of inquiries where the investigation
15 involved the criminal offenses outlined in subsection (b);
16 and

17 (4) the number of incidents in which law enforcement
18 searched the stored data for the criminal offenses
19 outlined in subsection (b).

20 (c) Subject to appropriation, any funds needed to conduct
21 the program for use on the expressways or State highway system
22 under the jurisdiction of the Department of Transportation
23 shall be taken from the Road Fund and shall be included in
24 requests for qualification processes. Any funds needed to
25 conduct the program for use on expressways under the
26 jurisdiction of the Illinois State Toll Highway Authority

1 shall be paid for by funds from the Illinois State Tollway
2 Highway Authority and shall be included in requests for
3 qualification processes. Funds may be used for installation
4 and maintenance of the camera systems, telecommunications
5 costs, data storage costs, and for camera warranties. Cameras
6 shall be interoperable with the Illinois State Police current
7 camera system.

8 (c-5) Any forcible felony, gunrunning, or firearms
9 trafficking offense, as defined in Section 2-8, 24-3a, or
10 24-3b of the Criminal Code of 2012, respectively, committed on
11 an expressway monitored by a camera system funded by money
12 from the Road Fund and investigated by officers of the
13 Illinois State Police may be prosecuted by the Attorney
14 General or the State's Attorney where the offense was
15 committed.

16 (d) (Blank).

17 (Source: P.A. 101-42, eff. 1-1-20; 102-1042, eff. 6-3-22;
18 102-1043, eff. 6-3-22; revised 7-26-22.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.