

## Legislation in the 100th General Assembly 2018 Session

While this spring was marked by a slow legislative session ahead of this fall's elections, CAC continued to monitor legislation affecting democratic capacities. Read on to learn about the few bills that passed and what we will be watching for during veto session and when the 101st General Assembly convenes next year.

### Freedom of Information Act



**HB984** would exempt all police records related to a pending criminal case until the case was completed. This extreme attack on transparency came in the form of a last-minute floor amendment to a shell bill. CAC and our coalition partners submitted witness slips against this bill.

**Outcome:** It failed to move forward.



**HB4932** would require law enforcement agencies that possess records from another agency to redirect FOIA requesters to the original agency. While meant to address the potential interference with law enforcement investigations or endangerment of law enforcement sources, the legislation would sweep up a plethora of benign documents that should remain easily accessible to public review. CAC and our coalition sponsors submitted witness slips against this bill.

**Outcome:** The bill passed the House, but the chief sponsor in the Senate held the bill for future work.



**HB5742** would narrow the FOIA exemption for preliminary drafts, expand the list of exceptions for "recurrent requesters" to include members of the General Assembly, and require public bodies denying a FOIA request to place \$7,500 in escrow for 60 days following denial or until the completion of a review if the requester so initiates.

**Outcome:** This did not receive a hearing.



**HB4230** would remove the requirement that arrest records be made available to the news media within 72 hours of arrest. The records would only be available "as soon as practicable." This could serve as a major bar to police transparency.

**Outcome:** The bill passed through committee, but failed to reach a required third reading in the House.



**HB5446**, the Crash Report Confidentiality Act, would limit who could receive accident reports. While reporters could still receive reports, members of the general public who were not involved with the crash could not receive reports without written permission from someone involved in the crash. This limitation on the public's right to know might have come in response to a successful request for review in which a state agency attempted to block public access to an official report of a train-vehicle accident.

**Outcome:** This did not receive a hearing.



**HB5268** is a legislative response to the recent Illinois Supreme Court ruling that member-based organizations, such as the Illinois High School Association, are not subject to FOIA. The bill would subject these organizations to FOIA if their membership includes taxing bodies, the organization lobbies on behalf of those governmental bodies, and the organization is funded in the majority by governmental bodies.

**Outcome:** This did not receive a hearing.



**HB5115** would create a broad exemption for police body camera footage.

**Outcome:** This did not receive a hearing.

Three bills extending limited FOIA exemptions passed both houses unanimously.



**SB3217** limits persons committed to the Department of Human Services Division of Mental Health from receiving records about the security of detention facilities, matching the provision for persons committed to the Department of Corrections.



**HB5267** creates an exemption for records created under the Crime Victims Compensation Act.



Neutral

**SB3138** defines the identity and address of scholarship, grant, and financial assistance applicants in higher education as private information, exempt from disclosure.

### Open Meetings Act



One bright spot this session was **HB4583**, The bill would require public bodies that must post notice and agendas for regular meetings on its website to do so for special meetings and for subsidiary bodies. It would additionally allow the invalidation of a meeting where a public body failed to post notice or agenda on its website if the public body acted in bad faith.

**Outcome:** Passed in the House but failed in the Senate.



**HB5442** would exempt Metropolitan Enforcement Group Policy Boards and drug task forces from the Open Meetings Act.

**Outcome:** This bill failed at the subcommittee level.



Neutral

**SB2629** allows fire protection district trustees to satisfy Open Meetings Act training through a non-governmental organization that represents fire protection districts.

**Outcome:** This bill passed both houses.

LEGEND:	
	CAC supports
	CAC opposes
 Neutral	CAC neither supports nor opposes