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### **LOCAL GOVERNMENT** **(50 ILCS 706/) Law Enforcement Officer-Worn Body Camera Act.**

(50 ILCS 706/Art. 1 heading)

#### ARTICLE 1.

(The Police and Community Relations Improvement Act is compiled at 50 ILCS 727/)

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/Art. 5 heading)

#### ARTICLE 5.

(The Uniform Crime Reporting Act is compiled at 50 ILCS 709/)

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/Art. 10 heading)

#### ARTICLE 10.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/10-1)

Sec. 10-1. Short title. This Act may be cited as the Law Enforcement Officer-Worn Body Camera Act. References in this Article to "this Act" mean this Article.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/10-5)

Sec. 10-5. Purpose. The General Assembly recognizes that trust and mutual respect between law enforcement agencies and the communities they protect and serve are essential to effective policing and the integrity of our criminal justice system. The General Assembly recognizes that officer-worn body cameras have developed as a technology that has been used and experimented with by police departments. Officer-worn body cameras will provide state-of-the-art evidence collection and additional opportunities for training and instruction. Further, officer-worn body cameras may provide impartial evidence and documentation to settle disputes and allegations of officer misconduct. Ultimately, the uses of officer-worn body cameras will help collect evidence while improving transparency and accountability, and strengthening public trust. The General Assembly creates these standardized protocols and procedures for the use of officer-worn body cameras to ensure that this technology is used in furtherance of these goals while protecting individual privacy and providing consistency in its use across this State.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/10-10)

Sec. 10-10. Definitions. As used in this Act:

"Badge" means an officer's department issued identification number associated with his or her position as a police officer

with that department.

"Board" means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act.

"Business offense" means a petty offense for which the fine is in excess of \$1,000.

"Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

"Fund" means the Law Enforcement Camera Grant Fund.

"In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

"Law enforcement officer" or "officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

"Law enforcement agency" means all State agencies with law enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.

"Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. "Law enforcement-related encounter or activities" does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

"Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

"Officer-worn body camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

"Peace officer" has the meaning provided in Section 2-13 of the Criminal Code of 2012.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Recording" means the process of capturing data or information stored on a recording medium as required under this Act.

"Recording medium" means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

(Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

(50 ILCS 706/10-15)

Sec. 10-15. Applicability. Any law enforcement agency which employs the use of officer-worn body cameras is subject to the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.

(Source: P.A. 99-352, eff. 1-1-16.)

Sec. 10-20. Requirements.

(a) The Board shall develop basic guidelines for the use of officer-worn body cameras by law enforcement agencies. The guidelines developed by the Board shall be the basis for the written policy which must be adopted by each law enforcement agency which employs the use of officer-worn body cameras. The written policy adopted by the law enforcement agency must include, at a minimum, all of the following:

(1) Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(2) Cameras must be capable of recording for a period of 10 hours or more, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty.

(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.

(4) Cameras must be turned off when:

(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;

(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or

(C) the officer is interacting with a confidential informant used by the law enforcement agency.

However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

(4.5) Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(5) The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

(6) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his or her supervisor

may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.

(7) Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.

(A) Under no circumstances shall any recording made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.

(B) Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:

(i) a formal or informal complaint has been filed;

(ii) the officer discharged his or her firearm or used force during the encounter;

(iii) death or great bodily harm occurred to any person in the recording;

(iv) the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;

(v) the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;

(vi) the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties.

(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.

(9) Recordings shall not be used to discipline law enforcement officers unless:

(A) a formal or informal complaint of misconduct has been made;

(B) a use of force incident has occurred;

(C) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or

(D) as corroboration of other evidence of misconduct.

Nothing in this paragraph (9) shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical

difficulties, failures, or problems with the officer-worn body camera or associated equipment. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.

(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

For the purposes of paragraph (1) of this subsection (b), the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (A) of paragraph (1) of this subsection (b), "witness" does not include a person who is a victim or who was arrested as a result of the encounter.

Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this subsection (b) shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.

(c) Nothing in this Section shall limit access to a camera recording for the purposes of complying with Supreme Court rules or the rules of evidence.

(Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

(50 ILCS 706/10-25)

Sec. 10-25. Reporting.

(a) Each law enforcement agency which employs the use of officer-worn body cameras must provide an annual report to the

Board, on or before May 1 of the year. The report shall include:

(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body cameras;

(2) the number of officer-worn body cameras utilized by the law enforcement agency;

(3) any technical issues with the equipment and how those issues were remedied;

(4) a brief description of the review process used by supervisors within the law enforcement agency;

(5) for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:

(A) the time, date, location, and precinct of the incident;

(B) the offense charged and the date charges were filed; and

(6) any other information relevant to the administration of the program.

(b) On or before July 30 of each year, the Board must analyze the law enforcement agency reports and provide an annual report to the General Assembly and the Governor.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/10-30)

Sec. 10-30. Evidence. The recordings may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. If a court or other finder of fact finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered, or intermittently captured in violation of this Act, then the court or other finder of fact shall consider or be instructed to consider that violation in weighing the evidence, unless the State provides a reasonable justification.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/10-35)

Sec. 10-35. Authorized eavesdropping. Nothing in this Act shall be construed to limit or prohibit law enforcement officers from recording in accordance with Article 14 of the Criminal Code of 2012 or Article 108A or Article 108B of the Code of Criminal Procedure of 1963.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/Art. 20 heading)

#### ARTICLE 20.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/20-105)

Sec. 20-105. (Amendatory provisions; text omitted).

(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-110)

Sec. 20-110. (Amendatory provisions; text omitted).

(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-115)

Sec. 20-115. (Amendatory provisions; text omitted).

(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-120)

Sec. 20-120. The Criminal Identification Act is amended by repealing Section 5.1.

(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 706/20-125)  
Sec. 20-125. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-126)  
Sec. 20-126. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 8-12-15; text omitted.)

(50 ILCS 706/20-127)  
Sec. 20-127. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 8-12-15; text omitted.)

(50 ILCS 706/20-128)  
Sec. 20-128. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 8-12-15; text omitted.)

(50 ILCS 706/20-129)  
Sec. 20-129. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 8-12-15; text omitted.)

(50 ILCS 706/20-130)  
Sec. 20-130. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-135)  
Sec. 20-135. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-140)  
Sec. 20-140. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 8-12-15; text omitted.)

(50 ILCS 706/20-145)  
Sec. 20-145. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-150)  
Sec. 20-150. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-155)  
Sec. 20-155. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-160)  
Sec. 20-160. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/20-165)  
Sec. 20-165. (Amendatory provisions; text omitted).  
(Source: P.A. 99-352, eff. 1-1-16; text omitted.)

(50 ILCS 706/Art. 25 heading)  
ARTICLE 25.

(Source: P.A. 99-352, eff. 8-12-15.)

(50 ILCS 706/25-999)  
Sec. 25-999. Effective date. This Section, Sections 20-126, 20-127, 20-128, and 20-129, and the changes made in Section 20-140 of Article 20 of this amendatory Act of the 99th General Assembly adding Section 8 to the Uniform Peace Officers'

Disciplinary Act take effect upon becoming law.  
(Source: P.A. 99-352, eff. 8-12-15.)