



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4446

Introduced 1/20/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

50 ILCS 706/10-20

Amends the Law Enforcement Officer-Worn Body Camera Act. In provisions concerning whether recordings made with the use of an officer-worn body camera are subject to disclosure under the Freedom of Information Act, provides that any recording disclosed under the Freedom of Information Act may, rather than shall, be redacted to remove identification of any person that appears on the recording and is not an officer, a subject of the encounter, or directly involved in the encounter. Provides that nothing in the provisions shall prohibit the disclosure of any recording or portion of any recording regardless of whether it would be exempt from disclosure under the Freedom of Information Act, rather than require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.

LRB104 16310 RTM 29696 b

1 AN ACT concerning local government.

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

4 Section 5. The Law Enforcement Officer-Worn Body Camera
5 Act is amended by changing Section 10-20 as follows:

6 (50 ILCS 706/10-20)

7 Sec. 10-20. Requirements.

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

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

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

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

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

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

14 (C) Officer-worn body cameras may be turned off
15 when the officer is inside a correctional facility or
16 courthouse which is equipped with a functioning camera
17 system.

18 (4) Cameras must be turned off when:

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

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

26 (C) the officer is interacting with a confidential

1 informant used by the law enforcement agency; or

2 (D) an officer of the Department of Revenue enters
3 a Department of Revenue facility or conducts an
4 interview during which return information will be
5 discussed or visible.

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

15 (4.5) Cameras may be turned off when the officer is
16 engaged in community caretaking functions. However, the
17 camera must be turned on when the officer has reason to
18 believe that the person on whose behalf the officer is
19 performing a community caretaking function has committed
20 or is in the process of committing a crime. If exigent
21 circumstances exist which prevent the camera from being
22 turned on, the camera must be turned on as soon as
23 practicable.

24 (5) The officer must provide notice of recording to
25 any person if the person has a reasonable expectation of
26 privacy and proof of notice must be evident in the

1 recording. If exigent circumstances exist which prevent
2 the officer from providing notice, notice must be provided
3 as soon as practicable.

4 (6) (A) For the purposes of redaction or duplicating
5 recordings, access to camera recordings shall be
6 restricted to only those personnel responsible for those
7 purposes. The recording officer or his or her supervisor
8 may not redact, duplicate, or otherwise alter the
9 recording officer's camera recordings. Except as otherwise
10 provided in this Section, the recording officer and his or
11 her supervisor may access and review recordings prior to
12 completing incident reports or other documentation,
13 provided that the supervisor discloses that fact in the
14 report or documentation.

15 (i) A law enforcement officer shall not have
16 access to or review his or her body-worn camera
17 recordings or the body-worn camera recordings of
18 another officer prior to completing incident reports
19 or other documentation when the officer:

20 (a) has been involved in or is a witness to an
21 officer-involved shooting, use of deadly force
22 incident, or use of force incidents resulting in
23 great bodily harm;

24 (b) is ordered to write a report in response
25 to or during the investigation of a misconduct
26 complaint against the officer.

1 (ii) If the officer subject to subparagraph (i)
2 prepares a report, any report shall be prepared
3 without viewing body-worn camera recordings, and
4 subject to supervisor's approval, officers may file
5 amendatory reports after viewing body-worn camera
6 recordings. Supplemental reports under this provision
7 shall also contain documentation regarding access to
8 the video footage.

9 (B) The recording officer's assigned field
10 training officer may access and review recordings for
11 training purposes. Any detective or investigator
12 directly involved in the investigation of a matter may
13 access and review recordings which pertain to that
14 investigation but may not have access to delete or
15 alter such recordings.

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

20 (A) Under no circumstances shall any recording,
21 except for a non-law enforcement related activity or
22 encounter, made with an officer-worn body camera be
23 altered, erased, or destroyed prior to the expiration
24 of the 90-day storage period. In the event any
25 recording made with an officer-worn body camera is
26 altered, erased, or destroyed prior to the expiration

1 of the 90-day storage period, the law enforcement
2 agency shall maintain, for a period of one year, a
3 written record including (i) the name of the
4 individual who made such alteration, erasure, or
5 destruction, and (ii) the reason for any such
6 alteration, erasure, or destruction.

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

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

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

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

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

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

25 (vi) the supervisor of the officer,
26 prosecutor, defendant, or court determines that

1 the encounter has evidentiary value in a criminal
2 prosecution; or

3 (vii) the recording officer requests that the
4 video be flagged for official purposes related to
5 his or her official duties or believes it may have
6 evidentiary value in a criminal prosecution.

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

15 (D) Nothing in this Act prohibits law enforcement
16 agencies from labeling officer-worn body camera video
17 within the recording medium; provided that the
18 labeling does not alter the actual recording of the
19 incident captured on the officer-worn body camera. The
20 labels, titles, and tags shall not be construed as
21 altering the officer-worn body camera video in any
22 way.

23 (8) Following the 90-day storage period, recordings
24 may be retained if a supervisor at the law enforcement
25 agency designates the recording for training purposes. If
26 the recording is designated for training purposes, the

1 recordings may be viewed by officers, in the presence of a
2 supervisor or training instructor, for the purposes of
3 instruction, training, or ensuring compliance with agency
4 policies.

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

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

9 (B) a use of force incident has occurred;

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

13 (D) as corroboration of other evidence of
14 misconduct.

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

18 (10) The law enforcement agency shall ensure proper
19 care and maintenance of officer-worn body cameras. Upon
20 becoming aware, officers must as soon as practical
21 document and notify the appropriate supervisor of any
22 technical difficulties, failures, or problems with the
23 officer-worn body camera or associated equipment. Upon
24 receiving notice, the appropriate supervisor shall make
25 every reasonable effort to correct and repair any of the
26 officer-worn body camera equipment.

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

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

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

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

22 ~~Only recordings or portions of recordings responsive to~~
23 ~~the request shall be available for inspection or reproduction.~~

24 Any recording disclosed under the Freedom of Information Act
25 may ~~shall~~ be redacted to remove identification of any person
26 that appears on the recording and is not the officer, a subject

1 of the encounter, or directly involved in the encounter.
2 Nothing in this subsection (b) shall prohibit ~~require~~ the
3 disclosure of any recording or portion of any recording
4 regardless of whether it ~~which~~ would be exempt from disclosure
5 under the Freedom of Information Act.

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

9 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
10 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
11 12-6-22.)