



May 3, 2021

Dear Chairman Slaughter, Vice-Chair Cassidy and Spokesperson Severin:

Our coalition of organizations is writing to express our concerns with Senate Committee Amendment 1 to Senate Bill 583. Because the amendment severely weakens the original bill as introduced, we oppose the Amendment and urge the Illinois General Assembly to consider making the Office of the Clerk of the Circuit Court of Cook County subject to the Illinois Freedom of Information Act (FOIA) as outlined in the originally introduced bill.

Senate Bill 583 as introduced, and as previously introduced in SB3850 during the 101st General Assembly by then-Senator Martinez, would add the Clerk of the Circuit Court of Cook County to the definition of “public body” and to Section 2.5 of the FOIA statute related to records of public funds. However, Senate Amendment 1 to SB583 makes the Cook County Circuit Court Clerk subject to the Local Records Act rather than FOIA. This fails to achieve the same meaningful change as FOIA and is severely inadequate.

The current lack of uniform public to access information about the Cook County Circuit Court makes it difficult to hold leaders accountable and assess the justice system. Disclosure of information and data is largely discretionary. While a larger conversation about public access to court information statewide is needed, opening the office of Cook County Circuit Court Clerk to the parameters of FOIA would be a significant step toward improving access to information about case processing, statistical data gleaned from court records and general Clerk’s Office operations. We are disappointed to see that Cook County Circuit Court Clerk Martinez has gone back on her commitment to making the office subject to FOIA.

Using Section 3a of the Local Records Act pertaining to use of public funds is not the appropriate means to ensure public access to information and does not provide the same protections as FOIA. The Local Records Act was established to regulate the preservation or disposal of public records, whereas the more recent Freedom of Information Act was created to provide public access to public government records. The Local Records Act has no effective mechanism of enforcement or right to appeal, and it only requires making records available on premises, not providing records to the requestor. Section 3a of the Local Records Act was only intended to cover records prepared prior to July 1, 1984. All records thereafter were to be covered under FOIA.

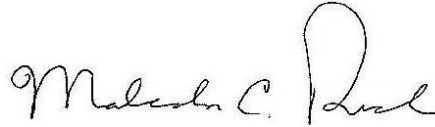
If it is the intention of the Cook County Circuit Clerk’s Office to limit disclosure of records to only financial records, Section 2.5 of the Freedom of Information Act (5 ILCS 40/2.5) would be the more appropriate statute to modify. Ideally, however, we would urge this body to go beyond that.

Our overarching goal is to improve access to court information and make the process for submitting information requests more transparent, accessible and standardized. We would be happy to discuss this issue further and can be reached at the contact information below.

Sincerely,



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cc: Members of the Illinois House Judiciary - Criminal Committee
Representative Kelly Burke, House Sponsor of SB583
Representative Mark Batinick