

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-3.3 as follows:

6 (305 ILCS 5/10-3.3)

7 Sec. 10-3.3. Locating support obligor and others;
8 penalties.

9 (a) Upon request by the Child and Spouse Support Unit,
10 employers, labor unions, cellular telephone companies, and
11 telephone companies shall provide location information
12 concerning putative fathers and noncustodial parents for the
13 purpose of establishing a child's paternity or establishing,
14 enforcing, or modifying a child support obligation. In this
15 Section, "location information" means information about (i)
16 the physical whereabouts, including, but not limited to, the
17 home address, home telephone number, cellular telephone
18 number, and e-mail address of a putative father or noncustodial
19 parent, (ii) the putative father or noncustodial parent's
20 employer, or (iii) the salary, wages, and other compensation
21 paid and the health insurance coverage provided to the putative
22 father or noncustodial parent by the employer of the putative
23 father or noncustodial parent or by a labor union of which the

1 putative father or noncustodial parent is a member. As used in
2 this Section, "cellular telephone company" includes a cellular
3 telephone or wireless carrier or provider, but does not include
4 a pre-paid wireless carrier or provider. As used in this
5 Section, "physical whereabouts" does not include real time or
6 historical location tracking information.

7 An employer, labor union, cellular telephone company, or
8 telephone company shall respond to the request of the Child and
9 Spouse Support Unit within 15 days after receiving the request.
10 Any employer, labor union, cellular telephone company, or
11 telephone company that willfully fails to fully respond within
12 the 15-day period shall be subject to a penalty of \$100 for
13 each day that the response is not provided to the Illinois
14 Department after the 15-day period has expired. The penalty may
15 be collected in a civil action, which may be brought against
16 the employer, labor union, cellular telephone company, or
17 telephone company in favor of the Illinois Department.

18 (b) Upon being served with an administrative subpoena as
19 authorized under this Code, a utility company or cable
20 television company must provide location information to the
21 Child and Spouse Support Unit for the purpose of establishing a
22 child's paternity or establishing, enforcing, or modifying a
23 child support obligation.

24 (c) Notwithstanding the provisions of any other State or
25 local law to the contrary, an employer, labor union, cellular
26 telephone company, telephone company, utility company, or

1 cable television company shall not be liable to any person for
2 disclosure of location information under the requirements of
3 this Section, except for willful and wanton misconduct.

4 (Source: P.A. 93-116, eff. 7-10-03.)