

SB1599



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1599

Introduced 2/15/2019, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2000

Amends the Consumer Fraud and Deceptive Business Practices Act in relation to the dissemination of criminal record information. In provisions making it an unlawful practice for a person or entity that publishes for profit a person's criminal record information to fail to correct an error in the individual's criminal record information under specified circumstances, provides that those provisions also apply to other dissemination of the information and to publication in a criminal history report. Provides that nothing in the Act shall be construed to restrict or limit the ability of an aggrieved party to proceed through established federal or State remedies or other alternative methods of redress for similar offenses.

LRB101 10639 JLS 55745 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2000 as follows:

6 (815 ILCS 505/2000)

7 Sec. 2000. Criminal record information.

8 (a) It is an unlawful practice for any person engaged in
9 publishing or otherwise disseminating criminal record
10 information through a print or electronic medium to solicit or
11 accept the payment of a fee or other consideration to remove,
12 correct, or modify said criminal record information.

13 (b) For the purposes of this Section, "criminal record
14 information" includes any and all of the following:

15 (1) descriptions or notations of any arrests, any
16 formal criminal charges, and the disposition of those
17 criminal charges, including, but not limited to, any
18 information made available under Section 4a of the State
19 Records Act or Section 3b of the Local Records Act;

20 (2) photographs of the person taken pursuant to an
21 arrest or other involvement in the criminal justice system;
22 or

23 (3) personal identifying information, including a

1 person's name, address, date of birth, photograph, and
2 social security number or other government-issued
3 identification number.

4 (c) A person or entity that publishes or otherwise
5 disseminates for profit a person's criminal record information
6 on a publicly available Internet website or in any other
7 publication or criminal history report that charges a fee for
8 removal or correction of the information must correct any
9 errors in the individual's criminal history information within
10 5 business days after notification of an error. Failure to
11 correct an error in the individual's criminal record
12 information constitutes an unlawful practice within the
13 meaning of this Act.

14 (d) A person whose criminal record information is published
15 for profit on a publicly available Internet website or in any
16 other publication that charges a fee for removal or correction
17 of the information may demand the publisher to correct the
18 information if the subject of the information, or his or her
19 representative, sends a letter, via certified mail, to the
20 publishing entity demanding the information be corrected and
21 providing documentation of the correct information.

22 (e) Failure by a for-profit publishing entity that
23 publishes on a publicly available Internet website or in any
24 other publication or criminal history report that charges a fee
25 for removal or correction of the information to correct the
26 person's published criminal record information within 5

1 business days after receipt of the notice, demand for
2 correction, and the provision of correct information,
3 constitutes an unlawful and deceptive practice within the
4 meaning of this Act. In addition to any other remedy available
5 under this Act, a person who has been injured by a violation of
6 this Section is entitled to the damages of \$100 per day, plus
7 attorney's fees, for the publisher's failure to correct the
8 criminal record information.

9 (f) This Section does not apply to a play, book, magazine,
10 newspaper, musical, composition, visual work, work of art,
11 audiovisual work, radio, motion picture, or television
12 program, or a dramatic, literary, or musical work.

13 (g) This Section does not apply to a news medium or
14 reporter as defined in Section 8-902 of the Code of Civil
15 Procedure.

16 (h) This Section does not apply to the Illinois State
17 Police.

18 (i) This Section does not apply to a consumer reporting
19 agency as defined under 15 U.S.C. 1681a(f).

20 (j) Nothing in this Section shall be construed to impose
21 liability on an interactive computer service, as defined in 47
22 U.S.C. 230(f)(2), for content provided by another person.

23 (k) Nothing in this Act shall be construed to restrict or
24 limit the ability of an aggrieved party to proceed through
25 established federal or State remedies or other alternative
26 methods of redress for similar offenses.

1 (Source: P.A. 100-927, eff. 1-1-19.)