



Sen. Elgie R. Sims, Jr.

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10100SB1599sam001

LRB101 10639 JLS 57496 a

1 AMENDMENT TO SENATE BILL 1599

2 AMENDMENT NO. _____. Amend Senate Bill 1599 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Sections 2QQQ and 11a as
6 follows:

7 (815 ILCS 505/2QQQ)

8 Sec. 2QQQ. Criminal record information.

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

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

16 (1) descriptions or notations of any arrests, any

1 formal criminal charges, and the disposition of those
2 criminal charges, including, but not limited to, any
3 information made available under Section 4a of the State
4 Records Act or Section 3b of the Local Records Act;

5 (2) photographs of the person taken pursuant to an
6 arrest or other involvement in the criminal justice system;
7 or

8 (3) personal identifying information, including a
9 person's name, address, date of birth, photograph, and
10 social security number or other government-issued
11 identification number.

12 (c) A person or entity that publishes or otherwise
13 disseminates for profit a person's criminal record information
14 on a publicly available Internet website or in any other
15 publication or criminal history report that charges a fee for
16 removal or correction of the information must correct any
17 errors in the individual's criminal history information within
18 5 business days after notification of an error. Failure to
19 correct an error in the individual's criminal record
20 information constitutes an unlawful practice within the
21 meaning of this Act.

22 (d) A person whose criminal record information is published
23 for profit on a publicly available Internet website or in any
24 other publication that charges a fee for removal or correction
25 of the information may demand the publisher to correct the
26 information if the subject of the information, or his or her

1 representative, sends a letter, via certified mail, to the
2 publishing entity demanding the information be corrected and
3 providing documentation of the correct information.

4 (e) Failure by a for-profit publishing entity that
5 publishes on a publicly available Internet website or in any
6 other publication or criminal history report that charges a fee
7 for removal or correction of the information to correct the
8 person's published criminal record information within 5
9 business days after receipt of the notice, demand for
10 correction, and the provision of correct information,
11 constitutes an unlawful and deceptive practice within the
12 meaning of this Act. In addition to any other remedy available
13 under this Act, a person who has been injured by a violation of
14 this Section is entitled to the damages of \$100 per day, plus
15 attorney's fees, for the publisher's failure to correct the
16 criminal record information.

17 (f) This Section does not apply to a play, book, magazine,
18 newspaper, musical, composition, visual work, work of art,
19 audiovisual work, radio, motion picture, or television
20 program, or a dramatic, literary, or musical work.

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

24 (h) This Section does not apply to the Illinois State
25 Police.

26 (i) This Section does not apply to a consumer reporting

1 agency as defined under 15 U.S.C. 1681a(f).

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

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

6 (815 ILCS 505/11a) (from Ch. 121 1/2, par. 271a)

7 Sec. 11a. Construction of Act.

8 (a) This Act shall be liberally construed to effect the
9 purposes thereof.

10 (b) Nothing in this Act shall be construed to restrict or
11 limit the ability of an aggrieved party to proceed through
12 established federal or State remedies or other alternative
13 methods of redress for similar violations.

14 (Source: P.A. 78-904.)".