

HB3204



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3204

Introduced 2/17/2023, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

740 ILCS 14/20

Amends the Biometric Information Privacy Act. Requires an aggrieved person to commence an action for a violation of the Act within one year of (i) the date of the violation or (ii) the date on which the aggrieved person discovers the violation.

LRB103 30215 LNS 56643 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is
5 amended by changing Section 20 as follows:

6 (740 ILCS 14/20)

7 Sec. 20. Right of action.

8 (a) Any person aggrieved by a violation of this Act shall
9 have a right of action in a State circuit court or as a
10 supplemental claim in federal district court against an
11 offending party. A prevailing party may recover for each
12 violation:

13 (1) against a private entity that negligently violates
14 a provision of this Act, liquidated damages of \$1,000 or
15 actual damages, whichever is greater;

16 (2) against a private entity that intentionally or
17 recklessly violates a provision of this Act, liquidated
18 damages of \$5,000 or actual damages, whichever is greater;

19 (3) reasonable attorneys' fees and costs, including
20 expert witness fees and other litigation expenses; and

21 (4) other relief, including an injunction, as the
22 State or federal court may deem appropriate.

23 (b) An action brought under this Section shall be

1 commenced within one year of (i) the date of the violation or
2 (ii) the date on which the aggrieved person discovers the
3 violation.

4 (Source: P.A. 95-994, eff. 10-3-08.)