

# HB5209



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5209

Introduced 2/9/2024, by Rep. Brad Halbrook

### SYNOPSIS AS INTRODUCED:

5 ILCS 805/Act rep.  
15 ILCS 335/11  
625 ILCS 5/6-110.3

from Ch. 124, par. 31

Repeals the Illinois TRUST Act. Makes corresponding changes in the Illinois Identification Card Act and the Illinois Vehicle Code. Effective immediately.

LRB103 38446 MXP 68582 b

A BILL FOR

1 AN ACT concerning government.

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

4 (5 ILCS 805/Act rep.)

5 Section 5. The Illinois TRUST Act is repealed.

6 Section 10. The Illinois Identification Card Act is  
7 amended by changing Section 11 as follows:

8 (15 ILCS 335/11) (from Ch. 124, par. 31)

9 (Text of Section before amendment by P.A. 103-210)

10 Sec. 11. Records.

11 (a) The Secretary may make a search of his records and  
12 furnish information as to whether a person has a current  
13 Standard Illinois Identification Card or an Illinois Person  
14 with a Disability Identification Card then on file, upon  
15 receipt of a written application therefor accompanied with the  
16 prescribed fee. However, the Secretary may not disclose  
17 medical information concerning an individual to any person,  
18 public agency, private agency, corporation or governmental  
19 body unless the individual has submitted a written request for  
20 the information or unless the individual has given prior  
21 written consent for the release of the information to a  
22 specific person or entity. This exception shall not apply to:

1 (1) offices and employees of the Secretary who have a need to  
2 know the medical information in performance of their official  
3 duties, or (2) orders of a court of competent jurisdiction.  
4 When medical information is disclosed by the Secretary in  
5 accordance with the provisions of this Section, no liability  
6 shall rest with the Office of the Secretary of State as the  
7 information is released for informational purposes only.

8 (b) Except as otherwise provided in this Section, the  
9 Secretary may release personally identifying information only  
10 to:

11 (1) officers and employees of the Secretary who have a  
12 need to know that information for issuance of driver's  
13 licenses, permits, or identification cards and  
14 investigation of fraud or misconduct;

15 (2) other governmental agencies for use in their  
16 official governmental functions;

17 (3) law enforcement agencies for a criminal or civil  
18 investigation;

19 (3-5) the State Board of Elections as may be required  
20 by an agreement the State Board of Elections has entered  
21 into with a multi-state voter registration list  
22 maintenance system; or

23 (4) any entity that the Secretary has authorized, by  
24 rule.

25 (c) Except as otherwise provided in this Section, the  
26 Secretary may release highly restricted personal information

1 only to:

2 (1) officers and employees of the Secretary who have a  
3 need to access the information for the issuance of  
4 driver's licenses, permits, or identification cards and  
5 investigation of fraud or misconduct;

6 (2) law enforcement officials for a criminal or civil  
7 law enforcement investigation;

8 (3) the State Board of Elections for the purpose of  
9 providing the signature for completion of voter  
10 registration; or

11 (4) any other entity the Secretary has authorized by  
12 rule.

13 (d) Documents required to be submitted with an application  
14 for an identification card to prove the applicant's identity  
15 (name and date of birth), social security number, written  
16 signature, residency, and, as applicable, proof of lawful  
17 status shall be confidential and shall not be disclosed except  
18 to the following persons:

19 (1) the individual to whom the identification card was  
20 issued, upon written request;

21 (2) officers and employees of the Secretary of State  
22 who have a need to have access to the stored images for  
23 purposes of issuing and controlling driver's licenses,  
24 permits, or identification cards and investigation of  
25 fraud or misconduct;

26 (3) law enforcement officials for a civil or criminal

1 law enforcement investigation;

2 (4) other entities that the Secretary may authorize by  
3 rule.

4 (e) The Secretary may not disclose an individual's social  
5 security number or any associated information obtained from  
6 the Social Security Administration without the written request  
7 or consent of the individual except: (i) to officers and  
8 employees of the Secretary who have a need to know the social  
9 security number in the performance of their official duties;  
10 (ii) to law enforcement officials for a civil or criminal law  
11 enforcement investigation if an officer of the law enforcement  
12 agency has made a written request to the Secretary specifying  
13 the law enforcement investigation for which the social  
14 security number is being sought; (iii) under a lawful court  
15 order signed by a judge; (iv) to the Illinois Department of  
16 Veterans' Affairs for the purpose of confirming veteran status  
17 to agencies in other states responsible for the issuance of  
18 state identification cards for participation in State-to-State  
19 verification service; or (v) the last 4 digits to the Illinois  
20 State Board of Elections for purposes of voter registration  
21 and as may be required pursuant to an agreement for a  
22 multi-state voter registration list maintenance system. The  
23 Secretary retains the right to require additional verification  
24 regarding the validity of a request from law enforcement. If  
25 social security information is disclosed by the Secretary in  
26 accordance with this Section, no liability shall rest with the

1 Office of the Secretary of State or any of its officers or  
2 employees, as the information is released for official  
3 purposes only.

4 (f) The Secretary of State shall not provide facial  
5 recognition search services or photographs obtained in the  
6 process of issuing an identification card to any federal,  
7 State, or local law enforcement agency or other governmental  
8 entity for the purpose of enforcing federal immigration laws.  
9 This subsection shall not apply to requests from federal,  
10 State, or local law enforcement agencies or other governmental  
11 entities for facial recognition search services or photographs  
12 obtained in the process of issuing a driver's license or  
13 permit when the purpose of the request relates to criminal  
14 activity other than violations of immigration laws.

15 (Source: P.A. 101-326, eff. 8-9-19; 102-354, eff. 8-13-21.)

16 (Text of Section after amendment by P.A. 103-210)

17 Sec. 11. Records.

18 (a) The Secretary may make a search of his records and  
19 furnish information as to whether a person has a current  
20 Standard Illinois Identification Card or an Illinois Person  
21 with a Disability Identification Card then on file, upon  
22 receipt of a written application therefor accompanied with the  
23 prescribed fee. However, the Secretary may not disclose  
24 medical information concerning an individual to any person,  
25 public agency, private agency, corporation or governmental

1 body unless the individual has submitted a written request for  
2 the information or unless the individual has given prior  
3 written consent for the release of the information to a  
4 specific person or entity. This exception shall not apply to:  
5 (1) offices and employees of the Secretary who have a need to  
6 know the medical information in performance of their official  
7 duties, or (2) orders of a court of competent jurisdiction.  
8 When medical information is disclosed by the Secretary in  
9 accordance with the provisions of this Section, no liability  
10 shall rest with the Office of the Secretary of State as the  
11 information is released for informational purposes only.

12 (b) Except as otherwise provided in this Section, the  
13 Secretary may release personally identifying information only  
14 to:

15 (1) officers and employees of the Secretary who have a  
16 need to know that information for issuance of driver's  
17 licenses, permits, or identification cards and  
18 investigation of fraud or misconduct;

19 (2) other governmental agencies for use in their  
20 official governmental functions;

21 (3) law enforcement agencies for a criminal or civil  
22 investigation, except as restricted by subsections (g) and  
23 (h);

24 (3-5) the State Board of Elections as may be required  
25 by an agreement the State Board of Elections has entered  
26 into with a multi-state voter registration list

1 maintenance system; or

2 (4) any entity that the Secretary has authorized, by  
3 rule.

4 (c) Except as otherwise provided in this Section, the  
5 Secretary may release highly restricted personal information  
6 only to:

7 (1) officers and employees of the Secretary who have a  
8 need to access the information for the issuance of  
9 driver's licenses, permits, or identification cards and  
10 investigation of fraud or misconduct;

11 (2) law enforcement officials for a criminal or civil  
12 law enforcement investigation, except as restricted by  
13 subsections (g) and (h);

14 (3) the State Board of Elections for the purpose of  
15 providing the signature for completion of voter  
16 registration; or

17 (4) any other entity the Secretary has authorized by  
18 rule.

19 (d) Documents required to be submitted with an application  
20 for an identification card to prove the applicant's identity  
21 (name and date of birth), social security number or lack of a  
22 social security number, written signature, residency, and, as  
23 applicable, citizenship and immigration status and country of  
24 citizenship shall be confidential and shall not be disclosed  
25 except to the following persons:

26 (1) the individual to whom the identification card was



1 issued, upon written request;

2 (2) officers and employees of the Secretary of State  
3 who have a need to have access to the stored images for  
4 purposes of issuing and controlling driver's licenses,  
5 permits, or identification cards and investigation of  
6 fraud or misconduct;

7 (3) law enforcement officials for a civil or criminal  
8 law enforcement investigation, except as restricted by  
9 subsections (g) and (h);

10 (4) other entities that the Secretary may authorize by  
11 rule.

12 (e) The Secretary may not disclose an individual's social  
13 security number or any associated information obtained from  
14 the Social Security Administration without the written request  
15 or consent of the individual except: (i) to officers and  
16 employees of the Secretary who have a need to know the social  
17 security number in the performance of their official duties;  
18 (ii) except as restricted by subsections (g) and (h) to law  
19 enforcement officials for a civil or criminal law enforcement  
20 investigation if an officer of the law enforcement agency has  
21 made a written request to the Secretary specifying the law  
22 enforcement investigation for which the social security number  
23 is being sought; (iii) under a lawful court order signed by a  
24 judge; (iv) to the Illinois Department of Veterans' Affairs  
25 for the purpose of confirming veteran status to agencies in  
26 other states responsible for the issuance of state

1 identification cards for participation in State-to-State  
2 verification service; or (v) the last 4 digits to the Illinois  
3 State Board of Elections for purposes of voter registration  
4 and as may be required pursuant to an agreement for a  
5 multi-state voter registration list maintenance system. The  
6 Secretary retains the right to require additional verification  
7 regarding the validity of a request from law enforcement. If  
8 social security information is disclosed by the Secretary in  
9 accordance with this Section, no liability shall rest with the  
10 Office of the Secretary of State or any of its officers or  
11 employees, as the information is released for official  
12 purposes only.

13 (f) The Secretary of State shall not provide facial  
14 recognition search services or photographs obtained in the  
15 process of issuing an identification card to any federal,  
16 State, or local law enforcement agency or other governmental  
17 entity for the purpose of enforcing federal immigration laws.  
18 This subsection shall not apply to requests from federal,  
19 State, or local law enforcement agencies or other governmental  
20 entities for facial recognition search services or photographs  
21 obtained in the process of issuing a driver's license or  
22 permit when the purpose of the request relates to criminal  
23 activity other than violations of immigration laws.

24 (g) Notwithstanding any other provision of law, the  
25 Secretary may not release highly restricted personal  
26 information or personally identifying information or disclose

1 documents described in subsection (d) to any immigration  
2 agent, ~~as defined in Section 10 of the Illinois TRUST Act,~~  
3 unless necessary to comply with the following, to the extent  
4 that production of such information or documents is  
5 specifically required:

6 (1) a lawful court order;

7 (2) a judicial warrant signed by a judge appointed  
8 pursuant to Article III of the Constitution of the United  
9 States; or

10 (3) a subpoena for individual records issued by a  
11 federal or State court.

12 When responding to such a court order, warrant, or  
13 subpoena, the Secretary shall disclose only those documents or  
14 information specifically requested. Within 3 business days of  
15 receiving such a court order, warrant, or subpoena, the  
16 Secretary shall send a notification to the individual about  
17 whom such information was requested that a court order,  
18 warrant, or subpoena was received and the identity of the  
19 entity that presented the court order, warrant, or subpoena.

20 As used in this subsection (g), "immigration agent" means  
21 an agent of federal Immigration and Customs Enforcement,  
22 federal Customs and Border Protection, or any similar or  
23 successor agency.

24 (h) The Secretary shall not enter into or maintain any  
25 agreement regarding the sharing of any highly restricted  
26 personal information or personally identifying information or

1 documents described in subsection (d) unless all other parties  
2 to such agreement certify that the information obtained will  
3 not be used for civil immigration purposes or knowingly  
4 disseminated to any third party for any purpose related to  
5 civil immigration enforcement.

6 (Source: P.A. 102-354, eff. 8-13-21; 103-210, eff. 7-1-24.)

7 Section 15. The Illinois Vehicle Code is amended by  
8 changing Section 6-110.3 as follows:

9 (625 ILCS 5/6-110.3)

10 (This Section may contain text from a Public Act with a  
11 delayed effective date)

12 Sec. 6-110.3. Restrictions on use of information for  
13 certain purposes.

14 (a) Notwithstanding any other provision of law, the  
15 Secretary may not release or make accessible in any manner any  
16 highly restricted personal information as defined in Section  
17 1-125.9 or personally identifying information as defined in  
18 Section 1-159.2, provide images, photos, or facial recognition  
19 services as described in Section 6-110.1, or disclose  
20 documents as described in Section 6-110.2 to any immigration  
21 agent ~~as defined in Section 10 of the Illinois TRUST Act,~~  
22 unless necessary to comply with the following, to the extent  
23 that production of such information or documents is  
24 specifically required:

- 1           (1) a lawful court order;
- 2           (2) a judicial warrant signed by a judge appointed
- 3           pursuant to Article III of the Constitution of the United
- 4           States; or
- 5           (3) a subpoena for individual records issued by a
- 6           federal or State court.

7           When responding to such a court order, warrant, or

8           subpoena, the Secretary shall disclose only those documents or

9           information specifically requested. Within 3 business days of

10          receiving such a court order, warrant, or subpoena, the

11          Secretary shall send a notification to the individual about

12          whom such information was requested that a court order,

13          warrant, or subpoena was received and the identity of the

14          entity that presented the court order, warrant, or subpoena.

15          As used in this subsection (a), "immigration agent" means

16          an agent of federal Immigration and Customs Enforcement,

17          federal Customs and Border Protection, or any similar or

18          successor agency.

19          (b) The Secretary shall not enter into or maintain any

20          agreement regarding the sharing of any highly restricted

21          personal information as defined in Section 1-125.9, personally

22          identifying information as defined in Section 1-159.2, images

23          or photos described in Section 6-110.1, or documents described

24          in Section 6-110.2 unless all other parties to such agreement

25          certify that the information obtained will not be used for

26          civil immigration purposes or knowingly disseminated to any

1 third party for any purpose related to civil immigration  
2 enforcement.

3 (Source: P.A. 103-210, eff. 7-1-24.)

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.