

SB2649



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2649

Introduced 1/10/2024, by Sen. Terri Bryant

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 35532 JDS 65604 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 The Illinois TRUST Act is repealed.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, "immigration agent" means an
21 agent of federal Immigration and Customs Enforcement, federal
22 Customs and Border Protection, or any similar or successor
23 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, "immigration agent" means an

16 agent of federal Immigration and Customs Enforcement, federal

17 Customs and Border Protection, or any similar or successor

18 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.