

1 AN ACT in relation to victims of stalking and domestic
2 violence.

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

5 Section 1. Short title. This Act may be cited as the
6 Victims of Stalking and Domestic Violence Address
7 Confidentiality Act.

8 Section 5. Purposes. The General Assembly finds that
9 persons attempting to escape from actual or threatened
10 domestic violence or stalking frequently establish new names
11 or addresses in order to prevent their assailants or probable
12 assailants from finding them. The purpose of this Act is to
13 enable State and local agencies to respond to requests for
14 public records without disclosing the changed name or
15 location of a victim of domestic violence or stalking, to
16 enable interagency cooperation with the Attorney General in
17 providing name and address confidentiality for victims of
18 domestic violence or stalking, and to enable State and local
19 agencies to accept a program participant's use of an address
20 designated by the Attorney General as a substitute mailing
21 address.

22 Section 10. Definitions. Unless the context clearly
23 requires otherwise, the definitions in this Section apply
24 throughout this Act:

25 "Address" means a residential street address, school
26 address, or work address of an individual, as specified on
27 the individual's application to be a program participant
28 under this Act.

29 "Adult person" means a person 18 years of age or older.

30 "Domestic violence" means an act as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986.

2 "Stalking" means an act as defined in Section 12-7.3 or
3 12-7.4 of the Criminal Code of 1961.

4 "Program participant" means a person certified as a
5 program participant under Section 15.

6 Section 15. Program participants.

7 (a) An adult person, a parent or guardian acting on
8 behalf of a minor, or a guardian acting on behalf of an
9 incapacitated person may apply to the Attorney General to
10 have an address designated by the Attorney General serve as
11 the person's address or the address of the minor or
12 incapacitated person. An application shall be completed in
13 person at a community-based victims' assistance program.

14 The application process shall include a requirement that
15 the applicant shall meet with a victims' assistance counselor
16 and receive orientation information about the program. The
17 Attorney General shall approve an application if it is filed
18 in the manner and on the form prescribed by the Attorney
19 General and if it contains all of the following:

20 (1) A sworn statement by the applicant that the
21 applicant has good reason to believe both of the
22 following:

23 (A) That the applicant, or the minor or
24 incapacitated person on whose behalf the application
25 is made, is a victim of domestic violence or
26 stalking.

27 (B) That the applicant fears for his or her
28 safety or his or her children's safety, or the
29 safety of the minor or incapacitated person on whose
30 behalf the application is made.

31 (2) If the applicant alleges that the basis for the
32 application is that the applicant, or the minor or
33 incapacitated person on whose behalf the application is

1 made, is a victim of domestic violence, the application
2 may be accompanied by evidence including, but not limited
3 to, any of the following:

4 (A) Police, court, or other government agency
5 records or files.

6 (B) Documentation from a domestic violence
7 program if the person is alleged to be a victim of
8 domestic violence.

9 (C) Documentation from a legal, clerical,
10 medical, or other professional from whom the
11 applicant or person on whose behalf the application
12 is made has sought assistance in dealing with the
13 alleged domestic violence.

14 (D) Any other evidence that supports the sworn
15 statement, such as a statement from any other
16 individual with knowledge of the circumstances that
17 provides the basis for the claim, or physical
18 evidence of the act or acts of domestic violence.

19 (3) If the applicant alleges that the basis for the
20 application is that the applicant, or the minor or
21 incapacitated person on whose behalf the application is
22 made, is a victim of stalking, the application shall be
23 accompanied by evidence including, but not limited to,
24 any of the following:

25 (A) Police, court, or other government agency
26 records or files.

27 (B) Legal, clerical, medical, or other
28 professionals from whom the applicant or person on
29 whose behalf the application is made has sought
30 assistance in dealing with the alleged stalking.

31 (C) Any other evidence that supports the sworn
32 statement, such as a sworn statement from any other
33 individual with knowledge of the circumstances that
34 provide the basis for the claim, or physical

1 evidence of the act or acts of stalking.

2 (4) A statement of whether there are any existing
3 court orders involving the applicant for child support,
4 child custody, or child visitation, and whether there are
5 any active court actions involving the applicant for
6 child support, child custody, or child visitation, the
7 name and address of legal counsel of record, and the last
8 known address of the other parent or parents involved in
9 those court orders or court actions.

10 (5) A designation of the Attorney General as agent
11 for purposes of service of process and for the purpose of
12 receipt of mail.

13 (A) Service on the Attorney General of any
14 summons, writ, notice, demand, or process shall be
15 made by delivering to the address confidentiality
16 program personnel of the Office of the Attorney
17 General 2 copies of the summons, writ, notice,
18 demand, or process.

19 (B) If a summons, writ, notice, demand, or
20 process is served on the Attorney General, the
21 Attorney General shall immediately cause a copy to
22 be forwarded to the program participant at the
23 address shown on the records of the address
24 confidentiality program so that the summons, writ,
25 notice, demand, or process is received by the
26 program participant within 3 days of the Attorney
27 General's having received it.

28 (C) The Attorney General shall keep a record
29 of all summonses, writs, notices, demands, and
30 processes served upon the Attorney General under
31 this Section and shall record the time of that
32 service and the Attorney General's action.

33 (D) The office of the Attorney General and any
34 agent or person employed by the Attorney General

1 shall be held harmless from any liability in any
2 action brought by any person injured or harmed as a
3 result of the handling of first-class mail on behalf
4 of program participants.

5 (6) The mailing address where the applicant can be
6 contacted by the Attorney General, and the phone number
7 or numbers where the applicant can be called by the
8 Attorney General.

9 (7) The address or addresses that the applicant
10 requests not be disclosed for the reason that disclosure
11 will increase the risk of domestic violence or stalking.

12 (8) The signature of the applicant and of any
13 individual or representative of any office designated in
14 writing under Section 50 who assisted in the preparation
15 of the application, and the date on which the applicant
16 signed the application.

17 (b) Applications shall be filed with the office of the
18 Attorney General.

19 (c) Upon filing a properly completed application, the
20 Attorney General shall certify the applicant as a program
21 participant. Applicants shall be certified for 4 years
22 following the date of filing unless the certification is
23 withdrawn or invalidated before that date. The Attorney
24 General shall by rule establish a renewal procedure.

25 (d) Upon certification, in any case where there are
26 court orders or court actions identified in paragraph (4) of
27 subsection (a) of this Section and there is no other or
28 superseding court order dictating the specific terms of
29 communication between the parties, the Attorney General
30 shall, within 10 days, notify the other parent or parents of
31 the address designated by the Attorney General for the
32 program participant and the designation of the Attorney
33 General as agent for purposes of service of process. The
34 notice shall be given by mail, return receipt requested,

1 postage prepaid, to the last known address of the other
2 parent to be notified. A copy shall also be sent to that
3 parent's counsel of record.

4 (e) A person who falsely attests in an application that
5 disclosure of the applicant's address would endanger the
6 applicant's safety or the safety of the applicant's children
7 or the minor or incapacitated person on whose behalf the
8 application is made, or who knowingly provides false or
9 incorrect information upon making an application, is guilty
10 of a Class A misdemeanor. A notice shall be printed in bold
11 type and in a conspicuous location on the face of the
12 application informing the applicant of the penalties under
13 this subsection (e).

14 Section 20. Name changes of program participants;
15 confidential. The Attorney General shall keep confidential
16 name changes of program participants obtained pursuant to
17 subsection (b) of Section 21-102 of the Code of Civil
18 Procedure. The Attorney General shall have the same
19 responsibilities and obligations to program participants who
20 have obtained a name change as to any other program
21 participant under this Act.

22 Section 25. Canceling program participant's
23 certification.

24 (a) The Attorney General may cancel a program
25 participant's certification if there is a change in the
26 residential address from the one listed on the application,
27 unless the program participant provides the Attorney General
28 with at least 7 days' prior notice of the change of address.

29 (b) The Attorney General may cancel a program
30 participant's certification if the program participant
31 changes his or her name from the one listed in the
32 application and fails to notify the Attorney General of the

1 name change within 7 days of the change.

2 (c) The Attorney General may cancel certification of a
3 program participant if mail forwarded by the Attorney General
4 to the program participant's address is returned as
5 nondeliverable.

6 (d) The Attorney General shall cancel certification of a
7 program participant who applies using false information.

8 (e) Any records or documents pertaining to a program
9 participant shall be retained and held confidential for a
10 period of 3 years after termination of certification and then
11 destroyed.

12 Section 30. Withdrawal from program participation.

13 (a) A program participant may withdraw from program
14 participation by submitting to the address confidentiality
15 program manager written notification of withdrawal and his or
16 her current identification card. Certification shall be
17 terminated on the date of receipt of this notification.

18 (b) The address confidentiality program manager may
19 terminate a program participant's certification and
20 invalidate his or her authorization card for any of the
21 following reasons:

22 (1) The program participant's certification term
23 has expired and certification renewal has not been
24 completed.

25 (2) The address confidentiality program manager has
26 determined that false information was used in the
27 application process or that participation in the program
28 is being used as a subterfuge to avoid detection of
29 illegal or criminal activity or apprehension by law
30 enforcement.

31 (3) The program participant no longer resides at
32 the residential address listed on the application, and
33 has not provided at least 7 days' prior notice in writing

1 of a change in address.

2 (4) A service of process document or mail forwarded
3 to the program participant by the address
4 confidentiality program manager is returned as
5 nondeliverable.

6 (5) The program participant obtains a legal name
7 change and fails to notify the Attorney General within 7
8 days.

9 (c) If termination is a result of paragraph (1), (3),
10 (4), or (5) of subsection (b), the address confidentiality
11 program manager shall send written notification of the
12 intended termination to the program participant. The program
13 participant shall have 5 business days in which to appeal the
14 termination under procedures developed by the Attorney
15 General.

16 (d) The address confidentiality program manager shall
17 notify in writing the county clerk or board of election
18 commissioners and authorized personnel of the appropriate
19 county clerk's or board of election commissioners' office,
20 county recorder's office, and the local department of public
21 health of the program participant's certification withdrawal,
22 invalidation, expiration, or termination.

23 (e) Upon receipt of this termination notification,
24 authorized personnel shall transmit to the address
25 confidentiality program manager all appropriate
26 administrative records pertaining to the program participant
27 and the record transmitting agency shall no longer
28 responsible for maintaining the confidentiality of a
29 terminated program participant's record.

30 (f) Following termination of program participant
31 certification as a result of subsection (b), the address
32 confidentiality program manager may disclose information
33 contained in the participant's application.

1 Section 35. Designated address.

2 (a) A program participant may request that State and
3 local agencies use the address designated by the Attorney
4 General as his or her address. When creating a public record,
5 State and local agencies shall accept the address designated
6 by the Attorney General as a program participant's substitute
7 address, unless the Attorney General has determined both of
8 the following:

9 (1) The agency has a bona fide statutory or
10 administrative requirement for the use of the address
11 that would otherwise be confidential under this Act.

12 (2) This address will be used only for those
13 statutory and administrative purposes and may not be
14 publicly disseminated.

15 (b) A program participant may request that State and
16 local agencies use the address designated by the Attorney
17 General as his or her address. When modifying or maintaining
18 a public record, excluding the record of any birth, fetal
19 death, death, or marriage registered under the Vital Records
20 Act, State and local agencies shall accept the address
21 designated by the Attorney General as a program participant's
22 substitute address, unless the Attorney General has
23 determined both of the following:

24 (1) The agency has a bona fide statutory or
25 administrative requirement for the use of the address
26 that would otherwise be confidential under this Act.

27 (2) This address will be used only for those
28 statutory and administrative purposes and may not be
29 publicly disseminated.

30 (c) A program participant may use the address designated
31 by the Attorney General as his or her work address.

32 (d) The office of the Attorney General shall forward all
33 first-class mail and all mail sent by a governmental agency
34 to the appropriate program participants. The office of the

1 Attorney General shall not handle or forward packages
2 regardless of size or type of mailing.

3 (e) Notwithstanding subsections (a) and (b), program
4 participants shall comply with the provisions specified in
5 Section 6-117.5 of the Illinois Vehicle Code if requesting
6 suppression of the records maintained by the Secretary of
7 State under the Illinois Vehicle Code. Program participants
8 shall also comply with all other provisions of the Illinois
9 Vehicle Code relating to providing current address
10 information to the Secretary of State.

11 Section 40. Confidential voting. A program participant
12 who is otherwise qualified to vote may seek to register and
13 vote in a confidential manner under Section 4-34, 5-44, or
14 6-81 of the Election Code.

15 Section 45. Confidential records. The Attorney General
16 may not make a program participant's address, other than the
17 address designated by the Attorney General, or a program
18 participant's name change available for inspection or
19 copying, except under any of the following circumstances:

20 (a) If requested by a law enforcement agency, to the law
21 enforcement agency.

22 (b) If directed by a court order, to a person identified
23 in the order.

24 (c) If certification has been canceled.

25 Section 50. Assistance from other agencies. The Attorney
26 General shall designate State and local agencies and
27 nonprofit agencies that provide counseling and shelter
28 services to victims of domestic violence or stalking to
29 assist persons applying to be program participants. Any
30 assistance and counseling rendered by the office of the
31 Attorney General or its designees to applicants shall in no

1 way be construed as legal advice.

2 Section 55. Rules. The Attorney General may adopt rules
3 to facilitate the administration of this Act by State and
4 local agencies.

5 Section 60. Custody or visitation orders not affected.

6 (a) Nothing in this Act, nor participation in this
7 program, affects custody or visitation orders in effect prior
8 to or during program participation. A program participant who
9 falsifies his or her location in order to unlawfully avoid
10 custody or visitation orders is subject to immediate
11 termination from the program and is guilty of a Class A
12 misdemeanor.

13 (b) Participation in the program does not constitute
14 evidence of domestic violence or stalking for purposes of
15 making custody or visitation orders.

16 Section 65. Report to the General Assembly.

17 (a) The Attorney General shall submit to the General
18 Assembly, no later than January 10 of each year, a report
19 that includes the total number of applications received for
20 the program established by this Act. The report shall
21 disclose the number of program participants within each
22 county and shall also describe any allegations of misuse
23 relating to election purposes.

24 (b) The Attorney General shall commence accepting
25 applications and other activities under this program on July
26 1, 2004.

27 (c) The Attorney General shall submit a report to the
28 General Assembly by January 1, 2010 that includes the total
29 number of pieces of mail forwarded to program participants,
30 the number of program participants during the program's
31 duration, the number of program participants who obtained a

1 confidential name change under subsection (b) of Section
 2 21-102 of the Code of Civil Procedure, the average length of
 3 time a participant remains in the program, and the targeted
 4 Act changes needed to improve the program's efficiency and
 5 cost-effectiveness.

6 Section 70. Repeal. This Act is repealed on January 1,
 7 2014.

8 Section 105. The Election Code is amended by adding
 9 Sections 4-34, 5-44, and 6-81 as follows:

10 (10 ILCS 5/4-34 new)

11 Sec. 4-34. Confidential registration.

12 (a) Any person filing with the county clerk a new
 13 affidavit of registration or re-registration may have the
 14 information relating to his or her residence address
 15 appearing on the affidavit of registration, or any registrant
 16 list or roster or index prepared from that list, declared
 17 confidential upon presentation of certification that the
 18 person is a participant in the Address Confidentiality for
 19 Victims of Domestic Violence and Stalking program under the
 20 Victims of Stalking and Domestic Violence Address
 21 Confidentiality Act.

22 (b) Any person granted confidentiality under subsection
 23 (a) shall:

24 (1) Be considered an absent voter for all
 25 subsequent elections or until the county clerk is
 26 notified otherwise by the Attorney General or in writing
 27 by the voter. A voter requesting termination of absent
 28 voter status under this paragraph (1) consents to
 29 placement of his or her residence address on the
 30 registration record card or computer-based voter
 31 registration file.

1 (2) In addition to the required residence address,
 2 provide a valid mailing address to be used in place of
 3 the residence address for election purposes. The county
 4 clerk, in producing any list, roster, or index may, at
 5 his or her choice, use the valid mailing address or the
 6 word "confidential" or some similar designation in place
 7 of the residence address.

8 (c) No action in negligence may be maintained against
 9 any government entity or officer or employee of a government
 10 entity as a result of disclosure of the information that is
 11 the subject of this Section unless by a showing of gross
 12 negligence or willfulness.

13 (d) Subsections (a) and (b) do not apply to any person
 14 granted confidentiality upon receipt by the county clerk of a
 15 written notice by the address confidentiality program manager
 16 of the withdrawal, invalidation, expiration, or termination
 17 of the program participant's certification.

18 (e) This Section is repealed on January 1, 2014.

19 (10 ILCS 5/5-44 new)
 20 Sec. 5-44. Confidential registration.

21 (a) Any person filing with the county clerk a new
 22 affidavit of registration or re-registration may have the
 23 information relating to his or her residence address
 24 appearing on the affidavit of registration, or any registrant
 25 list or roster or index prepared from that list, declared
 26 confidential upon presentation of certification that the
 27 person is a participant in the Address Confidentiality for
 28 Victims of Domestic Violence and Stalking program under the
 29 Victims of Stalking and Domestic Violence Address
 30 Confidentiality Act.

31 (b) Any person granted confidentiality under subsection
 32 (a) shall:

33 (1) Be considered an absent voter for all subsequent

1 elections or until the county clerk is notified otherwise
2 by the Attorney General or in writing by the voter. A
3 voter requesting termination of absent voter status under
4 this paragraph (1) consents to placement of his or her
5 residence address on the registration record card or
6 computer-based voter registration file.

7 (2) In addition to the required residence address,
8 provide a valid mailing address to be used in place of
9 the residence address for election purposes.

10 The county clerk, in producing any list, roster, or index
11 may, at his or her choice, use the valid mailing address or
12 the word "confidential" or some similar designation in place
13 of the residence address.

14 (c) No action in negligence may be maintained against
15 any government entity or officer or employee of a government
16 entity as a result of disclosure of the information that is
17 the subject of this Section unless by a showing of gross
18 negligence or willfulness.

19 (d) Subsections (a) and (b) do not apply to any person
20 granted confidentiality upon receipt by the county clerk of a
21 written notice by the address confidentiality program manager
22 of the withdrawal, invalidation, expiration, or termination
23 of the program participant's certification.

24 (e) This Section is repealed on January 1, 2014.

25 (10 ILCS 5/6-81 new)

26 Sec. 6-81. Confidential registration.

27 (a) Any person filing with the Board of election
28 Commissioners a new affidavit of registration or
29 re-registration may have the information relating to his or
30 her residence address appearing on the affidavit of
31 registration, or any registrant list or roster or index
32 prepared from that list, declared confidential upon
33 presentation of certification that the person is a

1 participant in the Address Confidentiality for Victims of
2 Domestic Violence and Stalking program under the Victims of
3 Stalking and Domestic Violence Address Confidentiality Act.

4 (b) Any person granted confidentiality under subsection
5 (a) shall:

6 (1) Be considered an absent voter for all
7 subsequent elections or until the Board of Election
8 Commissioners is notified otherwise by the Attorney
9 General or in writing by the voter. A voter requesting
10 termination of absent voter status under this paragraph
11 (1) consents to placement of his or her residence address
12 on the registration record card or computer-based voter
13 registration file.

14 (2) In addition to the required residence address,
15 provide a valid mailing address to be used in place of
16 the residence address for election purposes. The Board of
17 Election Commisssioners, in producing any list, roster,
18 or index may, at his or her choice, use the valid mailing
19 address or the word "confidential" or some similar
20 designation in place of the residence address.

21 (c) No action in negligence may be maintained against
22 any government entity or officer or employee of a government
23 entity as a result of disclosure of the information that is
24 the subject of this Section unless by a showing of gross
25 negligence or willfulness.

26 (d) Subsections (a) and (b) do not apply to any person
27 granted confidentiality upon receipt by the county clerk of a
28 written notice by the address confidentiality program manager
29 of the withdrawal, invalidation, expiration, or termination
30 of the program participant's certification.

31 (e) This Section is repealed on January 1, 2014.

32 Section 110. The Illinois Vehicle Code is amended by
33 changing Section 2-123 as follows:

1 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

2 Sec. 2-123. Sale and Distribution of Information.

3 (a) Except as otherwise provided in this Section, the
4 Secretary may make the driver's license, vehicle and title
5 registration lists, in part or in whole, and any statistical
6 information derived from these lists available to local
7 governments, elected state officials, state educational
8 institutions, and all other governmental units of the State
9 and Federal Government requesting them for governmental
10 purposes. The Secretary shall require any such applicant for
11 services to pay for the costs of furnishing such services and
12 the use of the equipment involved, and in addition is
13 empowered to establish prices and charges for the services so
14 furnished and for the use of the electronic equipment
15 utilized.

16 (b) The Secretary is further empowered to and he may, in
17 his discretion, furnish to any applicant, other than listed
18 in subsection (a) of this Section, vehicle or driver data on
19 a computer tape, disk, other electronic format or computer
20 processable medium, or printout at a fixed fee of \$250 in
21 advance and require in addition a further sufficient deposit
22 based upon the Secretary of State's estimate of the total
23 cost of the information requested and a charge of \$25 per
24 1,000 units or part thereof identified or the actual cost,
25 whichever is greater. The Secretary is authorized to refund
26 any difference between the additional deposit and the actual
27 cost of the request. This service shall not be in lieu of an
28 abstract of a driver's record nor of a title or registration
29 search. This service may be limited to entities purchasing a
30 minimum number of records as required by administrative rule.
31 The information sold pursuant to this subsection shall be the
32 entire vehicle or driver data list, or part thereof. The
33 information sold pursuant to this subsection shall not
34 contain personally identifying information unless the

1 information is to be used for one of the purposes identified
2 in subsection (f-5) of this Section. Commercial purchasers
3 of driver and vehicle record databases shall enter into a
4 written agreement with the Secretary of State that includes
5 disclosure of the commercial use of the information to be
6 purchased.

7 (c) Secretary of State may issue registration lists.
8 The Secretary of State shall compile and publish, at least
9 annually, a list of all registered vehicles. Each list of
10 registered vehicles shall be arranged serially according to
11 the registration numbers assigned to registered vehicles and
12 shall contain in addition the names and addresses of
13 registered owners and a brief description of each vehicle
14 including the serial or other identifying number thereof.
15 Such compilation may be in such form as in the discretion of
16 the Secretary of State may seem best for the purposes
17 intended.

18 (d) The Secretary of State shall furnish no more than 2
19 current available lists of such registrations to the sheriffs
20 of all counties and to the chiefs of police of all cities and
21 villages and towns of 2,000 population and over in this State
22 at no cost. Additional copies may be purchased by the
23 sheriffs or chiefs of police at the fee of \$500 each or at
24 the cost of producing the list as determined by the Secretary
25 of State. Such lists are to be used for governmental
26 purposes only.

27 (e) (Blank).

28 (e-1) (Blank).

29 (f) The Secretary of State shall make a title or
30 registration search of the records of his office and a
31 written report on the same for any person, upon written
32 application of such person, accompanied by a fee of \$5 for
33 each registration or title search. The written application
34 shall set forth the intended use of the requested

1 information. No fee shall be charged for a title or
2 registration search, or for the certification thereof
3 requested by a government agency. The report of the title or
4 registration search shall not contain personally identifying
5 information unless the request for a search was made for one
6 of the purposes identified in subsection (f-5) of this
7 Section.

8 The Secretary of State shall certify a title or
9 registration record upon written request. The fee for
10 certification shall be \$5 in addition to the fee required for
11 a title or registration search. Certification shall be made
12 under the signature of the Secretary of State and shall be
13 authenticated by Seal of the Secretary of State.

14 The Secretary of State may notify the vehicle owner or
15 registrant of the request for purchase of his title or
16 registration information as the Secretary deems appropriate.

17 No information shall be released to the requestor until
18 expiration of a 10 day period. This 10 day period shall not
19 apply to requests for information made by law enforcement
20 officials, government agencies, financial institutions,
21 attorneys, insurers, employers, automobile associated
22 businesses, persons licensed as a private detective or firms
23 licensed as a private detective agency under the Private
24 Detective, Private Alarm, and Private Security Act of 1983,
25 who are employed by or are acting on behalf of law
26 enforcement officials, government agencies, financial
27 institutions, attorneys, insurers, employers, automobile
28 associated businesses, and other business entities for
29 purposes consistent with the Illinois Vehicle Code, the
30 vehicle owner or registrant or other entities as the
31 Secretary may exempt by rule and regulation.

32 Any misrepresentation made by a requestor of title or
33 vehicle information shall be punishable as a petty offense,
34 except in the case of persons licensed as a private detective

1 or firms licensed as a private detective agency which shall
2 be subject to disciplinary sanctions under Section 22 or 25
3 of the Private Detective, Private Alarm, and Private Security
4 Act of 1983.

5 (f-5) The Secretary of State shall not disclose or
6 otherwise make available to any person or entity any
7 personally identifying information obtained by the Secretary
8 of State in connection with a driver's license, vehicle, or
9 title registration record unless the information is disclosed
10 for one of the following purposes:

11 (1) For use by any government agency, including any
12 court or law enforcement agency, in carrying out its
13 functions, or any private person or entity acting on
14 behalf of a federal, State, or local agency in carrying
15 out its functions.

16 (2) For use in connection with matters of motor
17 vehicle or driver safety and theft; motor vehicle
18 emissions; motor vehicle product alterations, recalls, or
19 advisories; performance monitoring of motor vehicles,
20 motor vehicle parts, and dealers; and removal of
21 non-owner records from the original owner records of
22 motor vehicle manufacturers.

23 (3) For use in the normal course of business by a
24 legitimate business or its agents, employees, or
25 contractors, but only:

26 (A) to verify the accuracy of personal
27 information submitted by an individual to the
28 business or its agents, employees, or contractors;
29 and

30 (B) if such information as so submitted is not
31 correct or is no longer correct, to obtain the
32 correct information, but only for the purposes of
33 preventing fraud by, pursuing legal remedies
34 against, or recovering on a debt or security

1 interest against, the individual.

2 (4) For use in research activities and for use in
3 producing statistical reports, if the personally
4 identifying information is not published, redisclosed, or
5 used to contact individuals.

6 (5) For use in connection with any civil, criminal,
7 administrative, or arbitral proceeding in any federal,
8 State, or local court or agency or before any
9 self-regulatory body, including the service of process,
10 investigation in anticipation of litigation, and the
11 execution or enforcement of judgments and orders, or
12 pursuant to an order of a federal, State, or local court.

13 (6) For use by any insurer or insurance support
14 organization or by a self-insured entity or its agents,
15 employees, or contractors in connection with claims
16 investigation activities, antifraud activities, rating,
17 or underwriting.

18 (7) For use in providing notice to the owners of
19 towed or impounded vehicles.

20 (8) For use by any private investigative agency or
21 security service licensed in Illinois for any purpose
22 permitted under this subsection.

23 (9) For use by an employer or its agent or insurer
24 to obtain or verify information relating to a holder of a
25 commercial driver's license that is required under
26 chapter 313 of title 49 of the United States Code.

27 (10) For use in connection with the operation of
28 private toll transportation facilities.

29 (11) For use by any requester, if the requester
30 demonstrates it has obtained the written consent of the
31 individual to whom the information pertains.

32 (12) For use by members of the news media, as
33 defined in Section 1-148.5, for the purpose of
34 newsgathering when the request relates to the operation

1 of a motor vehicle or public safety.

2 (13) For any other use specifically authorized by
3 law, if that use is related to the operation of a motor
4 vehicle or public safety.

5 (f-6) Notwithstanding the provisions of subsection
6 (f-5), any residence address obtained by the Secretary of
7 State in connection with a driver's license, vehicle, or
8 title registration record is confidential and may not be
9 disclosed to any person, except:

10 (1) A court, law enforcement agency, or other
11 government agency, or as authorized in clauses (2), (3),
12 (4), (5), (6), or (7) of this subsection (f-6).

13 (2) A financial institution licensed by the State
14 or federal government to do business in this State that
15 states under penalty of perjury that it has obtained a
16 written waiver from the confidentiality provisions of
17 this subsection (f-6) signed by the individual whose
18 address is requested, except that the financial
19 institution may provide the address of any person who has
20 entered into an agreement held by that institution prior
21 to the effective date of this amendatory Act of the 93rd
22 General Assembly, so long as that agreement remains in
23 effect.

24 (3) An insurance company licensed to do business in
25 this State when the company, under penalty of perjury,
26 requests the information for the purpose of obtaining the
27 address of another motorist or vehicle owner involved in
28 an accident with the company's insured or requests the
29 information on an individual who has signed a written
30 waiver of this subsection (f-6) or the individuals
31 insured under a policy if a named insured of that policy
32 has signed a written waiver.

33 (4) An attorney when the attorney states, under
34 penalty of perjury, that the motor vehicle registered

1 owner or driver residential address information is
2 necessary in order to represent his or her client in a
3 criminal or civil action which directly involves the use
4 of the motor vehicle or vessel that is pending, is to be
5 filed, or is being investigated. Information requested
6 under this clause (4) is subject to all of the following:

7 (A) The attorney shall state that the criminal
8 or civil action that is pending, is to be filed, or
9 is being investigated relates directly to the use of
10 that motor vehicle.

11 (B) The case number, if any, or the names of
12 expected parties to the extent they are known to the
13 attorney requesting the information, shall be listed
14 on the request.

15 (C) A residence address obtained from the
16 Secretary of State may not be used for any purpose
17 other than in furtherance of the case cited or
18 action to be filed or which is being investigated.

19 (D) If no action is filed within a reasonable
20 time, the residence address information shall be
21 destroyed.

22 (E) An attorney may not request residence
23 address information under this clause (4) in order
24 to sell the information to any person.

25 (F) Within 10 days of receipt of a request,
26 the Secretary of State shall notify every individual
27 whose residence address has been requested under
28 this clause (4).

29 (5) A vehicle manufacturer licensed to do business in
30 this State if the manufacturer, or its agent, under penalty
31 of perjury, requests and uses the information only for the
32 purpose of safety, warranty, emission, or product recall if
33 the manufacturer offers to make and makes any changes at no
34 cost to the vehicle owner.

1 (6) A dealer licensed to do business in this State if
2 the dealer, or its agent, under penalty of perjury, requests
3 and uses the information only for the purpose of completing
4 registration transactions and documents.

5 (7) A person who, under penalty of perjury, requests
6 and uses the information and makes a written assurance to the
7 Secretary of State that the information will be used solely
8 for statistical research or reporting purposes, but only if
9 the information to be disclosed is in a form that will not
10 identify any individual and if the request specifies that no
11 persons will be contacted by mail or otherwise at the address
12 included with the information released. The information
13 released by the Secretary of State under this clause (7) may
14 not be in a form that identifies any person. Residential
15 addresses released under this clause (7) may not be used for
16 direct marketing or solicitation for the purchase of any
17 consumer product or service.

18 (f-7) Any registration or driver's license record of a
19 person may be suppressed from any other person, except those
20 persons specified in subsection (f-6), if the person
21 requesting the suppression submits verification acceptable to
22 the Secretary of State that he or she has reasonable cause to
23 believe either of the following:

- 24 (1) that he or she is the subject of stalking; and
25 (2) that there exists a threat of death or great
26 bodily injury to his or her person.

27 Upon suppression of a record, each request for
28 information about that record shall be authorized by the
29 subject of the record or verified as legitimate by other
30 investigative means by the Secretary of State before the
31 information is released.

32 (g) 1. The Secretary of State may, upon receipt of a
33 written request and a fee of \$6, furnish to the person or
34 agency so requesting a driver's record. Such document

1 may include a record of: current driver's license
2 issuance information, except that the information on
3 judicial driving permits shall be available only as
4 otherwise provided by this Code; convictions; orders
5 entered revoking, suspending or cancelling a driver's
6 license or privilege; and notations of accident
7 involvement. All other information, unless otherwise
8 permitted by this Code, shall remain confidential.
9 Information released pursuant to a request for a driver's
10 record shall not contain personally identifying
11 information, unless the request for the driver's record
12 was made for one of the purposes set forth in subsection
13 (f-5) of this Section.

14 2. The Secretary of State may certify an abstract
15 of a driver's record upon written request therefor.
16 Such certification shall be made under the signature of
17 the Secretary of State and shall be authenticated by the
18 Seal of his office.

19 3. All requests for driving record information
20 shall be made in a manner prescribed by the Secretary and
21 shall set forth the intended use of the requested
22 information.

23 The Secretary of State may notify the affected
24 driver of the request for purchase of his driver's record
25 as the Secretary deems appropriate.

26 No information shall be released to the requester
27 until expiration of a 10 day period. This 10 day period
28 shall not apply to requests for information made by law
29 enforcement officials, government agencies, financial
30 institutions, attorneys, insurers, employers, automobile
31 associated businesses, persons licensed as a private
32 detective or firms licensed as a private detective agency
33 under the Private Detective, Private Alarm, and Private
34 Security Act of 1983, who are employed by or are acting

1 on behalf of law enforcement officials, government
2 agencies, financial institutions, attorneys, insurers,
3 employers, automobile associated businesses, and other
4 business entities for purposes consistent with the
5 Illinois Vehicle Code, the affected driver or other
6 entities as the Secretary may exempt by rule and
7 regulation.

8 Any misrepresentation made by a requestor of driver
9 information shall be punishable as a petty offense,
10 except in the case of persons licensed as a private
11 detective or firms licensed as a private detective agency
12 which shall be subject to disciplinary sanctions under
13 Section 22 or 25 of the Private Detective, Private Alarm,
14 and Private Security Act of 1983.

15 4. The Secretary of State may furnish without fee,
16 upon the written request of a law enforcement agency, any
17 information from a driver's record on file with the
18 Secretary of State when such information is required in
19 the enforcement of this Code or any other law relating to
20 the operation of motor vehicles, including records of
21 dispositions; documented information involving the use of
22 a motor vehicle; whether such individual has, or
23 previously had, a driver's license; and the address and
24 personal description as reflected on said driver's
25 record.

26 5. Except as otherwise provided in this Section,
27 the Secretary of State may furnish, without fee,
28 information from an individual driver's record on file,
29 if a written request therefor is submitted by any public
30 transit system or authority, public defender, law
31 enforcement agency, a state or federal agency, or an
32 Illinois local intergovernmental association, if the
33 request is for the purpose of a background check of
34 applicants for employment with the requesting agency, or

1 for the purpose of an official investigation conducted by
2 the agency, or to determine a current address for the
3 driver so public funds can be recovered or paid to the
4 driver, or for any other purpose set forth in subsection
5 (f-5) of this Section.

6 The Secretary may also furnish the courts a copy of
7 an abstract of a driver's record, without fee, subsequent
8 to an arrest for a violation of Section 11-501 or a
9 similar provision of a local ordinance. Such abstract
10 may include records of dispositions; documented
11 information involving the use of a motor vehicle as
12 contained in the current file; whether such individual
13 has, or previously had, a driver's license; and the
14 address and personal description as reflected on said
15 driver's record.

16 6. Any certified abstract issued by the Secretary
17 of State or transmitted electronically by the Secretary
18 of State pursuant to this Section, to a court or on
19 request of a law enforcement agency, for the record of a
20 named person as to the status of the person's driver's
21 license shall be prima facie evidence of the facts
22 therein stated and if the name appearing in such abstract
23 is the same as that of a person named in an information
24 or warrant, such abstract shall be prima facie evidence
25 that the person named in such information or warrant is
26 the same person as the person named in such abstract and
27 shall be admissible for any prosecution under this Code
28 and be admitted as proof of any prior conviction or proof
29 of records, notices, or orders recorded on individual
30 driving records maintained by the Secretary of State.

31 7. Subject to any restrictions contained in the
32 Juvenile Court Act of 1987, and upon receipt of a proper
33 request and a fee of \$6, the Secretary of State shall
34 provide a driver's record to the affected driver, or the

1 affected driver's attorney, upon verification. Such
2 record shall contain all the information referred to in
3 paragraph 1 of this subsection (g) plus: any recorded
4 accident involvement as a driver; information recorded
5 pursuant to subsection (e) of Section 6-117 and paragraph
6 (4) of subsection (a) of Section 6-204 of this Code. All
7 other information, unless otherwise permitted by this
8 Code, shall remain confidential.

9 (h) The Secretary shall not disclose social security
10 numbers except pursuant to a written request by, or with the
11 prior written consent of, the individual except: (1) to
12 officers and employees of the Secretary who have a need to
13 know the social security numbers in performance of their
14 official duties, (2) to law enforcement officials for a
15 lawful, civil or criminal law enforcement investigation, and
16 if the head of the law enforcement agency has made a written
17 request to the Secretary specifying the law enforcement
18 investigation for which the social security numbers are being
19 sought, (3) to the United States Department of
20 Transportation, or any other State, pursuant to the
21 administration and enforcement of the Commercial Motor
22 Vehicle Safety Act of 1986, (4) pursuant to the order of a
23 court of competent jurisdiction, or (5) to the Department of
24 Public Aid for utilization in the child support enforcement
25 duties assigned to that Department under provisions of the
26 Public Aid Code after the individual has received advanced
27 meaningful notification of what redisclosure is sought by the
28 Secretary in accordance with the federal Privacy Act.

29 (i) (Blank).

30 (j) Medical statements or medical reports received in
31 the Secretary of State's Office shall be confidential. No
32 confidential information may be open to public inspection or
33 the contents disclosed to anyone, except officers and
34 employees of the Secretary who have a need to know the

1 information contained in the medical reports and the Driver
2 License Medical Advisory Board, unless so directed by an
3 order of a court of competent jurisdiction.

4 (k) All fees collected under this Section shall be paid
5 into the Road Fund of the State Treasury, except that \$3 of
6 the \$6 fee for a driver's record shall be paid into the
7 Secretary of State Special Services Fund.

8 (l) (Blank).

9 (m) Notations of accident involvement that may be
10 disclosed under this Section shall not include notations
11 relating to damage to a vehicle or other property being
12 transported by a tow truck. This information shall remain
13 confidential, provided that nothing in this subsection (m)
14 shall limit disclosure of any notification of accident
15 involvement to any law enforcement agency or official.

16 (n) Requests made by the news media for driver's
17 license, vehicle, or title registration information may be
18 furnished without charge or at a reduced charge, as
19 determined by the Secretary, when the specific purpose for
20 requesting the documents is deemed to be in the public
21 interest. Waiver or reduction of the fee is in the public
22 interest if the principal purpose of the request is to access
23 and disseminate information regarding the health, safety, and
24 welfare or the legal rights of the general public and is not
25 for the principal purpose of gaining a personal or commercial
26 benefit. The information provided pursuant to this subsection
27 shall not contain personally identifying information unless
28 the information is to be used for one of the purposes
29 identified in subsection (f-5) of this Section.

30 (o) The redisclosure of personally identifying
31 information obtained pursuant to this Section is prohibited,
32 except to the extent necessary to effectuate the purpose for
33 which the original disclosure of the information was
34 permitted.

1 (p) The Secretary of State is empowered to adopt rules
2 to effectuate this Section.

3 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
4 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
5 7-11-02.)

6 Section 115. The Code of Civil Procedure is amended by
7 changing Section 21-102 as follows:

8 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)
9 Sec. 21-102. Petition.

10 (a) The petition shall set forth the name then held, the
11 name sought to be assumed, the residence of the petitioner,
12 the length of time the petitioner has resided in this State,
13 and the state or country of the petitioner's nativity or
14 supposed nativity. The petition shall be signed by the
15 person petitioning or, in case of minors, by the parent or
16 guardian having the legal custody of the minor. The petition
17 shall be verified by the affidavit of some credible person.

18 (b) When the petition for a change of name alleges that
19 the reason for the petition is to avoid domestic violence, as
20 defined in Section 103 of the Illinois Domestic Violence Act
21 of 1986, or stalking, as defined in Section 12-7.3 or 12-7.4
22 of the Criminal Code of 1961, and the petitioner is a
23 participant in the address confidentiality program created
24 under the Victims of Stalking and Domestic Violence Address
25 Confidentiality Act, the petition, the order of the court,
26 and the notice of publication in Section 21-103 shall,
27 instead of reciting the proposed name, indicate that the
28 proposed name is confidential and will be on file with the
29 Attorney General under the provisions of the address
30 confidentiality program created under the Victims of Stalking
31 and Domestic Violence Address Confidentiality Act.

32 (Source: P.A. 87-409.)