

1                                    AMENDMENT TO SENATE BILL 404

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 404 by replacing  
3 everything after the enacting clause with the following:

4            "Section 1. Short title. This Act may be cited as the  
5 Children's Privacy Protection and Parental Empowerment Act.

6            Section 5. Definitions. As used in this Act:

7            "Child" means a person under the age of 18.

8            "Personal information" means any of the following:

9                    (1) A person's name.

10                   (2) A person's address.

11                   (3) A person's telephone number.

12                   (4) A person's driver's license number or State of  
13 Illinois identification card as assigned by the Illinois  
14 Secretary of State or by a similar agency of another  
15 state.

16                   (5) A person's social security number.

17                   (6) Any other information that can be used to  
18 identify a specific individual.

19            Personal information does not include public records as  
20 defined by Section 2 of the Freedom of Information Act.

21            Section 10. Prohibited acts. The following acts are

1 prohibited:

2 (a) the sale or purchase of personal information  
3 concerning a child without parental consent;

4 (b) the processing of personal information concerning a  
5 child by prisoners or convicted sex offenders; and

6 (c) the distribution or exchange of a child's personal  
7 information that one has reason to believe will be used to  
8 harm or abuse the child.

9 Section 15. Information brokers and solicitors. Persons  
10 who broker, solicit, or facilitate the sale of personal  
11 information concerning children are required:

12 (a) To disclose to a parent, step-parent, or legal  
13 guardian, upon request, the source and content of personal  
14 information on file with regard to that person's child,  
15 step-child, or ward.

16 (b) To disclose to a parent, step-parent, or legal  
17 guardian, upon request, the names of persons or entities that  
18 have received or solicited personal information with regard  
19 to that person's child, step-child, or ward.

20 (c) Upon the request of a parent, step-parent, or legal  
21 guardian, to cease to broker, solicit, or facilitate the sale  
22 of personal information concerning that person's child,  
23 step-child, or ward.

24 Section 20. Application of the Consumer Fraud and  
25 Deceptive Business Practices Act. A violation of any  
26 provision of this Act is a violation of the Consumer Fraud  
27 and Deceptive Business Practices Act.

28 Section 90. The Consumer Fraud and Deceptive Business  
29 Practices Act is amended by changing Section 2Z as follows:

30 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

1           Sec. 2Z. Violations of other Acts. Any person who  
2 knowingly violates the Automotive Repair Act, the Home Repair  
3 and Remodeling Act, the Dance Studio Act, the Physical  
4 Fitness Services Act, the Hearing Instrument Consumer  
5 Protection Act, the Illinois Union Label Act, the Job  
6 Referral and Job Listing Services Consumer Protection Act,  
7 the Travel Promotion Consumer Protection Act, the Credit  
8 Services Organizations Act, the Automatic Telephone Dialers  
9 Act, the Pay-Per-Call Services Consumer Protection Act, the  
10 Telephone Solicitations Act, the Illinois Funeral or Burial  
11 Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed  
12 Act, the Pre-Need Cemetery Sales Act, the Children's Privacy  
13 Protection and Parental Empowerment Act, subsection (a) or  
14 (b) of Section 3-10 of the Cigarette Tax Act, subsection (a)  
15 or (b) of Section 3-10 of the Cigarette Use Tax Act, the  
16 Electronic Mail Act, or paragraph (6) of subsection (k) of  
17 Section 6-305 of the Illinois Vehicle Code commits an  
18 unlawful practice within the meaning of this Act.  
19 (Source: P.A. 91-164, eff. 7-16-99; 91-230, eff. 1-1-00;  
20 91-233, eff. 1-1-00; 91-810, eff. 6-13-00; 92-426, eff.  
21 1-1-02.)".