



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4825

Introduced 01/18/06, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 140/7

from Ch. 116, par. 207

30 ILCS 105/5.663 new

720 ILCS 5/16D-8 new

Creates the Family and School Communications Protection Registry Act. Requires the Attorney General to establish and operate, or contract with a qualified third party to establish and operate, a Family and School Communications Protection Registry. Provides that a parent, guardian, individual, or an entity, who is responsible for a contact point to which a minor may have access, may register that contact point with the Attorney General. Provides that a person shall not send, cause to be sent, or conspire with a third party to send a message to a contact point that has been registered for more than 30 calendar days with the Attorney General if the primary purpose of the message is to, directly or indirectly, advertise or otherwise link to a message that advertises a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving. Provides that, except in specified instances, a person shall not release information concerning another person or provide access to contact points or other information contained on the Family and School Communications Protection Registry. Establishes certain exceptions to a violation of the Act. Provides that if the Attorney General has reason to believe that a person has violated the Act, he or she may investigate the business transaction of that person. Provides civil and criminal penalties for a violation of the Act. Amends the Freedom of Information Act to exempt information contained in the Family and School Communications Protection Registry from the requirements of the Act. Amends the State Finance Act to create the Family and School Communications Registry Fund. Amends the Criminal Code of 1961. Provides that a person commits the offense of communication registry violation when he or she knowingly violates the Family and School Communications Protection Registry Act. Provides that a person who commits the offense of communication registry violation shall be guilty of a Class B misdemeanor for the first offense, a Class A misdemeanor for the second offense, and a Class 4 felony for each subsequent offense after the second offense. Effective immediately.

LRB094 13140 LCT 52604 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the Family
5 and School Communications Protection Registry Act.

6 Section 5. Definitions. In this Act:

7 "Contact point" means any electronic identification to
8 which messages can be sent, including any of the following:

9 (1) an instant message identity;

10 (2) a wireless telephone, personal digital assistant,
11 pager number, or any other similar wireless communication
12 device;

13 (3) a facsimile number;

14 (4) an electronic mail address; or

15 (5) any other electronic address subject to rules
16 prescribed under this Act by the Attorney General.

17 "Internet domain name" means a globally unique,
18 hierarchical reference to an Internet host or service, assigned
19 through centralized Internet authorities, comprising a series
20 of character strings separated by periods, with the right-most
21 string specifying the top of the hierarchy.

22 "Minor" means an individual under the age of 18 years.

23 "Person" means an individual, corporation, association,
24 partnership, or any other legal entity.

25 "Registry" means the Family and School Communications
26 Protection Registry.

27 Section 10. Family and School Communications Protection
28 Registry.

29 (a) The Attorney General shall establish and operate, or
30 contract with a qualified third party to establish and operate,
31 a Family and School Communications Protection Registry.

1 (b) The Attorney General shall establish:

2 (1) procedures, to the extent possible, to prevent the
3 use or disclosure of protected contact points;

4 (2) rules to ensure that a registrant meets the
5 requirements of this Act;

6 (3) a mechanism for senders to verify compliance with
7 the Registry that shall establish and follow industry
8 standards to ensure that compliance with this Act is as
9 easy as possible for responsible senders; and

10 (4) a mechanism whereby registered reports in
11 violation of this Act may be tracked and compiled into a
12 report.

13 (c) The Office of the Attorney General shall have access to
14 the report of violations generated pursuant to item (4) of
15 subsection (b) of this Section and shall use the report for the
16 enforcement of this Act.

17 (d) The Family and School Communications Protection
18 Registry shall be fully operational not later than April 1,
19 2007.

20 Section 15. Registration.

21 (a) A parent, guardian, or individual, or an entity
22 described under subsection (b) of this Section, who is
23 responsible for a contact point to which a minor may have
24 access, may register that contact point with the Attorney
25 General under rules prescribed by the Attorney General.

26 (b) Schools and other institutions or entities primarily
27 serving minor children may register one or more contact points.
28 An entity may make one registration for all contact points of
29 the entity, including the entity's Internet domain name, under
30 rules prescribed by the Attorney General.

31 (c) No fee or charge shall be assessed or incurred by a
32 person registering a contact point under this Act.

33 (d) A registration as provided under this Section shall not
34 be valid for longer than 3 years. If the contact point is
35 established for a specific minor, the registration expires the

1 year the minor turns 18 years of age.

2 (e) A registration may be revoked by the registrant upon
3 notification to the Attorney General.

4 (f) A registration may be renewed by the registrant for an
5 additional 3-year period upon notification to the Attorney
6 General. No fee or charge shall be assessed or incurred by a
7 registrant renewing a contact point under this subsection.

8 Section 20. Prohibited conduct; contact points.

9 (a) A person shall not send, cause to be sent, or conspire
10 with a third party to send a message to a contact point that
11 has been registered for more than 30 calendar days with the
12 Attorney General if the primary purpose of the message is to,
13 directly or indirectly, advertise or otherwise link to a
14 message that advertises a product or service that a minor is
15 prohibited by law from purchasing, viewing, possessing,
16 participating in, or otherwise receiving. A person desiring to
17 send a message described under this subsection (a), shall use
18 the mechanism created by the Attorney General under item (3) of
19 subsection (b) of Section 10.

20 (b) The consent of a minor or third party to receive the
21 message is not a defense to a violation of subsection (a) of
22 this Section.

23 Section 25. Fees. A person that sends a message as
24 provided under Section 20 shall pay the Attorney General a fee
25 for access to the mechanism created by the Attorney General
26 under item (3) of subsection (b) of Section 10. The fee as
27 determined by the Attorney General shall not exceed \$0.01 per
28 contact point checked against the Registry for each time a
29 contact point is checked.

30 Section 30. Exceptions. A person is not in violation of
31 this Act if he or she:

32 (1) is an intermediary between the sender and recipient
33 in the transmission of an electronic message that violates

1 this Act; or

2 (2) unknowingly provides transmission of an electronic
3 message over his or her computer network or facilities that
4 violate this Act.

5 Section 35. Release of information.

6 (a) Except as otherwise provided under this Act, a person
7 shall not release information concerning another person or
8 provide access to contact points or other information contained
9 on the Registry, except as required by this Act.

10 (b) A person shall not:

11 (1) sell or use the Registry for any reason other than
12 to meet the requirements of this Act; or

13 (2) access or attempt to access the Registry except as
14 provided under this Act.

15 (c) The Registry is not subject to the Freedom of
16 Information Act.

17 Section 40. Investigations. If the Attorney General has
18 reason to believe that a person has violated this Act, he or
19 she may investigate the business transaction of that person.
20 The Attorney General may require that person to appear, at a
21 reasonable time and place, to give information under oath and
22 to produce such documents and evidence necessary to determine
23 whether the person is in compliance with the requirements of
24 this Act.

25 Section 45. Violation; civil penalties.

26 (a) A parent or guardian may bring a civil action, on
27 behalf of his or her child, for messages sent to a contact
28 point registered on the Registry.

29 (b) A person whose facilities were used to transmit a
30 message sent to a contact point registered on the Registry may
31 bring a civil action.

32 (c) The Attorney General may bring a civil action for a
33 violation of this Act.

1 (d) A person bringing an action under this Section may
2 recover one of the following:

3 (1) actual damages, including reasonable attorney's
4 fees; or

5 (2) in lieu of actual damages, up to \$1,000 per message
6 received in violation of this Act to a maximum of \$100,000
7 each day the violation occurs.

8 (e) In the civil action where the message sent to the
9 contact point in violation of this Act was viewed by a person
10 under the age of 18 and where civil damages are assessed for
11 that message violation, the court shall increase those damages
12 by trebling the assessed amount.

13 (f) In each action brought under this Section the
14 prevailing party may be awarded reasonable attorney's fees if
15 the action is found by the court to be frivolous.

16 Section 50. Immunity. A person who violates this Act shall
17 be immune from civil liability for the violation, if he or she,
18 in good faith, used the mechanism for senders to verify
19 compliance with the Registry that was created by the Attorney
20 General under subsection (b) of Section 10 of this Act.

21 Section 55. Affirmative defense. It shall be an affirmative
22 defense to a civil action brought under this Act by an
23 individual responsible for a contact point, if the sender
24 proves that the individual affirmatively, expressly, and
25 directly consented, and did not subsequently revoke the
26 consent, to receive a message from that particular sender for
27 the registered contact point.

28 This affirmative defense does not apply to criminal or
29 civil actions brought by the Attorney General or to civil
30 actions brought by an Internet service provider.

31 Section 60. Violation; criminal penalties. In addition to
32 any civil penalties assessed under this Act, a violation of
33 this Act shall also be a violation of Section 16D-8 of the

1 Criminal Code of 1961.

2 Section 65. Family and School Communications Protection
3 Registry Fund. There is hereby created the Family and School
4 Communications Protection Registry Fund as a special fund in
5 the State treasury. All fees and civil penalties collected
6 pursuant to this Act shall be deposited into the Family and
7 School Communications Protection Registry Fund. Not less than
8 20% of the moneys in the Fund shall be used, subject to
9 appropriation, by the Attorney General for the costs of
10 investigating, enforcing, and defending this Act and other Acts
11 that are designed to protect Illinois' children while they are
12 on the Internet. The remainder of the moneys in the Fund shall
13 be used, subject to appropriation, by the Attorney General for
14 the creation and maintenance of the Family and School
15 Communications Protection Registry.

16 Section 200. The Freedom of Information Act is amended by
17 changing Section 7 as follows:

18 (5 ILCS 140/7) (from Ch. 116, par. 207)

19 Sec. 7. Exemptions.

20 (1) The following shall be exempt from inspection and
21 copying:

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and regulations
24 adopted under federal or State law.

25 (b) Information that, if disclosed, would constitute a
26 clearly unwarranted invasion of personal privacy, unless
27 the disclosure is consented to in writing by the individual
28 subjects of the information. The disclosure of information
29 that bears on the public duties of public employees and
30 officials shall not be considered an invasion of personal
31 privacy. Information exempted under this subsection (b)
32 shall include but is not limited to:

33 (i) files and personal information maintained with

1 respect to clients, patients, residents, students or
2 other individuals receiving social, medical,
3 educational, vocational, financial, supervisory or
4 custodial care or services directly or indirectly from
5 federal agencies or public bodies;

6 (ii) personnel files and personal information
7 maintained with respect to employees, appointees or
8 elected officials of any public body or applicants for
9 those positions;

10 (iii) files and personal information maintained
11 with respect to any applicant, registrant or licensee
12 by any public body cooperating with or engaged in
13 professional or occupational registration, licensure
14 or discipline;

15 (iv) information required of any taxpayer in
16 connection with the assessment or collection of any tax
17 unless disclosure is otherwise required by State
18 statute;

19 (v) information revealing the identity of persons
20 who file complaints with or provide information to
21 administrative, investigative, law enforcement or
22 penal agencies; provided, however, that identification
23 of witnesses to traffic accidents, traffic accident
24 reports, and rescue reports may be provided by agencies
25 of local government, except in a case for which a
26 criminal investigation is ongoing, without
27 constituting a clearly unwarranted per se invasion of
28 personal privacy under this subsection; and

29 (vi) the names, addresses, or other personal
30 information of participants and registrants in park
31 district, forest preserve district, and conservation
32 district programs.

33 (c) Records compiled by any public body for
34 administrative enforcement proceedings and any law
35 enforcement or correctional agency for law enforcement
36 purposes or for internal matters of a public body, but only

1 to the extent that disclosure would:

2 (i) interfere with pending or actually and
3 reasonably contemplated law enforcement proceedings
4 conducted by any law enforcement or correctional
5 agency;

6 (ii) interfere with pending administrative
7 enforcement proceedings conducted by any public body;

8 (iii) deprive a person of a fair trial or an
9 impartial hearing;

10 (iv) unavoidably disclose the identity of a
11 confidential source or confidential information
12 furnished only by the confidential source;

13 (v) disclose unique or specialized investigative
14 techniques other than those generally used and known or
15 disclose internal documents of correctional agencies
16 related to detection, observation or investigation of
17 incidents of crime or misconduct;

18 (vi) constitute an invasion of personal privacy
19 under subsection (b) of this Section;

20 (vii) endanger the life or physical safety of law
21 enforcement personnel or any other person; or

22 (viii) obstruct an ongoing criminal investigation.

23 (d) Criminal history record information maintained by
24 State or local criminal justice agencies, except the
25 following which shall be open for public inspection and
26 copying:

27 (i) chronologically maintained arrest information,
28 such as traditional arrest logs or blotters;

29 (ii) the name of a person in the custody of a law
30 enforcement agency and the charges for which that
31 person is being held;

32 (iii) court records that are public;

33 (iv) records that are otherwise available under
34 State or local law; or

35 (v) records in which the requesting party is the
36 individual identified, except as provided under part

1 (vii) of paragraph (c) of subsection (1) of this
2 Section.

3 "Criminal history record information" means data
4 identifiable to an individual and consisting of
5 descriptions or notations of arrests, detentions,
6 indictments, informations, pre-trial proceedings, trials,
7 or other formal events in the criminal justice system or
8 descriptions or notations of criminal charges (including
9 criminal violations of local municipal ordinances) and the
10 nature of any disposition arising therefrom, including
11 sentencing, court or correctional supervision,
12 rehabilitation and release. The term does not apply to
13 statistical records and reports in which individuals are
14 not identified and from which their identities are not
15 ascertainable, or to information that is for criminal
16 investigative or intelligence purposes.

17 (e) Records that relate to or affect the security of
18 correctional institutions and detention facilities.

19 (f) Preliminary drafts, notes, recommendations,
20 memoranda and other records in which opinions are
21 expressed, or policies or actions are formulated, except
22 that a specific record or relevant portion of a record
23 shall not be exempt when the record is publicly cited and
24 identified by the head of the public body. The exemption
25 provided in this paragraph (f) extends to all those records
26 of officers and agencies of the General Assembly that
27 pertain to the preparation of legislative documents.

28 (g) Trade secrets and commercial or financial
29 information obtained from a person or business where the
30 trade secrets or information are proprietary, privileged
31 or confidential, or where disclosure of the trade secrets
32 or information may cause competitive harm, including:

33 (i) All information determined to be confidential
34 under Section 4002 of the Technology Advancement and
35 Development Act.

36 (ii) All trade secrets and commercial or financial

1 information obtained by a public body, including a
2 public pension fund, from a private equity fund or a
3 privately held company within the investment portfolio
4 of a private equity fund as a result of either
5 investing or evaluating a potential investment of
6 public funds in a private equity fund. The exemption
7 contained in this item does not apply to the aggregate
8 financial performance information of a private equity
9 fund, nor to the identity of the fund's managers or
10 general partners. The exemption contained in this item
11 does not apply to the identity of a privately held
12 company within the investment portfolio of a private
13 equity fund, unless the disclosure of the identity of a
14 privately held company may cause competitive harm.

15 Nothing contained in this paragraph (g) shall be construed
16 to prevent a person or business from consenting to disclosure.

17 (h) Proposals and bids for any contract, grant, or
18 agreement, including information which if it were
19 disclosed would frustrate procurement or give an advantage
20 to any person proposing to enter into a contractor
21 agreement with the body, until an award or final selection
22 is made. Information prepared by or for the body in
23 preparation of a bid solicitation shall be exempt until an
24 award or final selection is made.

25 (i) Valuable formulae, computer geographic systems,
26 designs, drawings and research data obtained or produced by
27 any public body when disclosure could reasonably be
28 expected to produce private gain or public loss. The
29 exemption for "computer geographic systems" provided in
30 this paragraph (i) does not extend to requests made by news
31 media as defined in Section 2 of this Act when the
32 requested information is not otherwise exempt and the only
33 purpose of the request is to access and disseminate
34 information regarding the health, safety, welfare, or
35 legal rights of the general public.

36 (j) Test questions, scoring keys and other examination

1 data used to administer an academic examination or
2 determined the qualifications of an applicant for a license
3 or employment.

4 (k) Architects' plans, engineers' technical
5 submissions, and other construction related technical
6 documents for projects not constructed or developed in
7 whole or in part with public funds and the same for
8 projects constructed or developed with public funds, but
9 only to the extent that disclosure would compromise
10 security, including but not limited to water treatment
11 facilities, airport facilities, sport stadiums, convention
12 centers, and all government owned, operated, or occupied
13 buildings.

14 (l) Library circulation and order records identifying
15 library users with specific materials.

16 (m) Minutes of meetings of public bodies closed to the
17 public as provided in the Open Meetings Act until the
18 public body makes the minutes available to the public under
19 Section 2.06 of the Open Meetings Act.

20 (n) Communications between a public body and an
21 attorney or auditor representing the public body that would
22 not be subject to discovery in litigation, and materials
23 prepared or compiled by or for a public body in
24 anticipation of a criminal, civil or administrative
25 proceeding upon the request of an attorney advising the
26 public body, and materials prepared or compiled with
27 respect to internal audits of public bodies.

28 (o) Information received by a primary or secondary
29 school, college or university under its procedures for the
30 evaluation of faculty members by their academic peers.

31 (p) Administrative or technical information associated
32 with automated data processing operations, including but
33 not limited to software, operating protocols, computer
34 program abstracts, file layouts, source listings, object
35 modules, load modules, user guides, documentation
36 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

5 (q) Documents or materials relating to collective
6 negotiating matters between public bodies and their
7 employees or representatives, except that any final
8 contract or agreement shall be subject to inspection and
9 copying.

10 (r) Drafts, notes, recommendations and memoranda
11 pertaining to the financing and marketing transactions of
12 the public body. The records of ownership, registration,
13 transfer, and exchange of municipal debt obligations, and
14 of persons to whom payment with respect to these
15 obligations is made.

16 (s) The records, documents and information relating to
17 real estate purchase negotiations until those negotiations
18 have been completed or otherwise terminated. With regard to
19 a parcel involved in a pending or actually and reasonably
20 contemplated eminent domain proceeding under Article VII
21 of the Code of Civil Procedure, records, documents and
22 information relating to that parcel shall be exempt except
23 as may be allowed under discovery rules adopted by the
24 Illinois Supreme Court. The records, documents and
25 information relating to a real estate sale shall be exempt
26 until a sale is consummated.

27 (t) Any and all proprietary information and records
28 related to the operation of an intergovernmental risk
29 management association or self-insurance pool or jointly
30 self-administered health and accident cooperative or pool.

31 (u) Information concerning a university's adjudication
32 of student or employee grievance or disciplinary cases, to
33 the extent that disclosure would reveal the identity of the
34 student or employee and information concerning any public
35 body's adjudication of student or employee grievances or
36 disciplinary cases, except for the final outcome of the

1 cases.

2 (v) Course materials or research materials used by
3 faculty members.

4 (w) Information related solely to the internal
5 personnel rules and practices of a public body.

6 (x) Information contained in or related to
7 examination, operating, or condition reports prepared by,
8 on behalf of, or for the use of a public body responsible
9 for the regulation or supervision of financial
10 institutions or insurance companies, unless disclosure is
11 otherwise required by State law.

12 (y) Information the disclosure of which is restricted
13 under Section 5-108 of the Public Utilities Act.

14 (z) Manuals or instruction to staff that relate to
15 establishment or collection of liability for any State tax
16 or that relate to investigations by a public body to
17 determine violation of any criminal law.

18 (aa) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other records
21 prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

24 (bb) Insurance or self insurance (including any
25 intergovernmental risk management association or self
26 insurance pool) claims, loss or risk management
27 information, records, data, advice or communications.

28 (cc) Information and records held by the Department of
29 Public Health and its authorized representatives relating
30 to known or suspected cases of sexually transmissible
31 disease or any information the disclosure of which is
32 restricted under the Illinois Sexually Transmissible
33 Disease Control Act.

34 (dd) Information the disclosure of which is exempted
35 under Section 30 of the Radon Industry Licensing Act.

36 (ee) Firm performance evaluations under Section 55 of

1 the Architectural, Engineering, and Land Surveying
2 Qualifications Based Selection Act.

3 (ff) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Regional Transportation Authority under Section 2.11 of
7 the Regional Transportation Authority Act or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

10 (gg) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (hh) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act.

15 (ii) Beginning July 1, 1999, information that would
16 disclose or might lead to the disclosure of secret or
17 confidential information, codes, algorithms, programs, or
18 private keys intended to be used to create electronic or
19 digital signatures under the Electronic Commerce Security
20 Act.

21 (jj) Information contained in a local emergency energy
22 plan submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under
24 Section 11-21.5-5 of the Illinois Municipal Code.

25 (kk) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by wireless
27 carriers under the Wireless Emergency Telephone Safety
28 Act.

29 (ll) Vulnerability assessments, security measures, and
30 response policies or plans that are designed to identify,
31 prevent, or respond to potential attacks upon a community's
32 population or systems, facilities, or installations, the
33 destruction or contamination of which would constitute a
34 clear and present danger to the health or safety of the
35 community, but only to the extent that disclosure could
36 reasonably be expected to jeopardize the effectiveness of

1 the measures or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, or to
6 tactical operations.

7 (mm) Maps and other records regarding the location or
8 security of a utility's generation, transmission,
9 distribution, storage, gathering, treatment, or switching
10 facilities.

11 (nn) Law enforcement officer identification
12 information or driver identification information compiled
13 by a law enforcement agency or the Department of
14 Transportation under Section 11-212 of the Illinois
15 Vehicle Code.

16 (oo) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Residential Health Care Facility
19 Resident Sexual Assault and Death Review Teams Executive
20 Council under the Residential Health Care Facility
21 Resident Sexual Assault and Death Review Team Act.

22 (pp) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (qq) ~~(pp)~~ Defense budgets and petitions for
27 certification of compensation and expenses for court
28 appointed trial counsel as provided under Sections 10 and
29 15 of the Capital Crimes Litigation Act. This subsection
30 (qq) ~~(pp)~~ shall apply until the conclusion of the trial and
31 appeal of the case, even if the prosecution chooses not to
32 pursue the death penalty prior to trial or sentencing.

33 (rr) Information contained in the Family and School
34 Communications Protection Registry created pursuant to the
35 Family and School Communications Protection Registry Act.

36 (2) This Section does not authorize withholding of

1 information or limit the availability of records to the public,
2 except as stated in this Section or otherwise provided in this
3 Act.

4 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
5 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
6 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
7 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; revised
8 8-29-05.)

9 Section 300. The State Finance Act is amended by adding
10 Section 5.663 as follows:

11 (30 ILCS 105/5.663 new)

12 Sec. 5.663. The Family and School Communications
13 Protection Registry Fund.

14 Section 400. The Criminal Code of 1961 is amended by adding
15 Section 16D-8 as follows:

16 (720 ILCS 5/16D-8 new)

17 Sec. 16D-8. Communication registry violation.

18 (a) A person commits the offense of communication registry
19 violation when he or she knowingly violates the Family and
20 School Communications Protection Registry Act.

21 (b) A person who commits the offense of communication
22 registry violation as set forth in subsection (a) of this
23 Section shall be guilty of a Class B misdemeanor for the first
24 offense, a Class A misdemeanor for the second offense, and a
25 Class 4 felony for each subsequent offense after the second
26 offense.

27 (c) The provisions of this Section shall not be construed
28 to limit any person's right to pursue any additional civil
29 remedy otherwise allowed by law.

30 (d) Upon conviction of a person under Section 16D-5, the
31 court shall authorize the Attorney General to seize and sell
32 all property used in the commission of the violation or other

1 interest declared forfeited under this Section, unless such
2 property is required by law to be destroyed or is harmful to
3 the public.

4 (e) A person who commits the offense of communication
5 registry violation shall be immune from prosecution for the
6 offense if he or she, in good faith, used the mechanism for
7 senders to verify compliance with the Registry that was created
8 by the Attorney General under subsection (b) of Section 10 of
9 the Family and School Communications Protection Registry Act.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.