



Rep. Brent Hassert

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09500HB2860ham001

LRB095 06103 RLC 48250 a

1 AMENDMENT TO HOUSE BILL 2860

2 AMENDMENT NO. _____. Amend House Bill 2860 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding
5 Section 16D-8 as follows:

6 (720 ILCS 5/16D-8 new)

7 Sec. 16D-8. Internet evidence for law enforcement
8 investigations.

9 (a) An Interactive Computer Service, upon the request of a
10 law enforcement agency for an investigation of a possible sex
11 offense involving a child under 18 years of age shall take all
12 necessary steps to preserve records and other evidence in its
13 possession pending the issuance of an order or other legal
14 process. The Interactive Computer Service shall comply with the
15 request as soon as possible following receipt.

16 (b) Records referred to in subsection (a) of this Section

1 shall be retained for a period of ninety days, which shall be
2 extended for an additional 90-day period upon a further request
3 of the law enforcement agency within the initial 90 day period.

4 (c) An Interactive Computer Service shall, within 15
5 business days after receiving appropriate legal process
6 relating to an investigation of a possible sex offense
7 involving a child under 18 years of age shall provide
8 information identified in 18 U.S.C. 2703 that is in its
9 possession; except if the Interactive Computer Service
10 demonstrates to the requesting law enforcement agency that, for
11 bona fide technical or operational reasons, it cannot comply
12 with the order within 15 business days of the request, it shall
13 make every reasonable effort to comply with the request as soon
14 as reasonably possible.

15 (d) In connection with any criminal investigation of a
16 possible sex offense involving a child under 18 years of age
17 that involves immediate danger of death or serious bodily harm,
18 a law enforcement agency in this State may issue a request,
19 without compulsory legal process or court order, to a
20 designated recipient of the Interactive Computer Service to
21 disclose, consistent with 18 U.S.C. 2702(b)(8) and 2702(c)(4),
22 the information identified in subsection (c) of this Section.
23 The Interactive Computer Service shall communicate with the
24 requesting agency to discuss the nature of the request and to
25 coordinate an appropriate response immediately and without
26 delay.

1 (e) Subsections (a), (b), (c), and (d) of this Section
2 shall be interpreted in a manner consistent with the
3 requirements of federal law that apply to providers of an
4 electronic communications service, including but not limited
5 to 18 U.S.C. 2701, et seq. and 42 U.S.C. 13032."