



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5669

Introduced 2/9/2010, by Rep. Tom Cross - Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Secretary of State Special Needs Alert Act. Establishes the special needs alert database to ensure persons with disabilities, special needs, or both have the same access to public safety services as provided to all citizens. Provides that the special needs alert database shall be connected to the Secretary of State vehicle, driver, and identification card database in a manner that allows public safety workers to access information relating to the disability or special need of individual. Provides that any person holding a vehicle registration, State identification card, driver's license, instruction permit, or any other type of driving permit issued by the Secretary of State shall be afforded the opportunity to provide the Secretary of State, in a manner and form designated by the Secretary of State, disability or special needs information relating to the holder or any disabled or special needs individual that does not hold identification issued by the Secretary of State and for which the holder is the primary caregiver. Provides that the Secretary of State shall adopt rules to implement this Act. Contains provisions concerning data control and accessibility, confidentiality, liability, and duration, among others. Effective immediately.

LRB096 19999 AJT 35486 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public safety.

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
5 Secretary of State Special Needs Alert Act.

6 Section 5. Purpose. It is the policy of the State of
7 Illinois to ensure that consistently high levels of public
8 safety services are available to all members of the State,
9 including people who may require special consideration in order
10 to access services. This Act shall seek to afford people with
11 disabilities or special needs or both the same access to public
12 safety services provided to all citizens. It is the intent of
13 this Act to offer guidance and direction to public safety
14 workers in responding to and assisting those people with
15 special needs, disabilities, or both with whom they will have
16 contact in the performance of their duties and
17 responsibilities. The ability to effectively deal with
18 disabled or special needs individuals is enhanced with
19 knowledge or information. The ability to identify disabled or
20 special needs individuals, their places of employment,
21 educational facilities, and residences are valuable resources
22 in instances when or if an emergency response by law
23 enforcement or fire protection personnel or both are needed.

1 Section 10. Definitions. As used in this Act:

2 "Disability" means an individual's physical or mental
3 impairment that substantially limits one or more of the major
4 life activities; a record of such impairment; or when the
5 individual is regarded as having such an impairment.

6 "Special needs individuals" means those individuals who
7 have or are at increased risk for a chronic physical,
8 developmental, behavioral, or emotional condition and who also
9 require health and related services of a type or amount beyond
10 that required by individuals generally.

11 "Public safety worker" means a person employed by this
12 State or a political subdivision thereof that provides
13 firefighting, law enforcement, medical, or other emergency
14 services.

15 "Secretary of State identification database" means any
16 database maintained by the Secretary of State that is
17 accessible by a public safety worker and contains information
18 identifying persons who hold: a vehicle registration; a
19 driver's license, instruction permit, or any other type of
20 driving permit; or a State identification card.

21 "Special needs alert database" means a database of disabled
22 or special needs individuals maintained by the Secretary of
23 State that is connected to Secretary of State identification
24 database in a manner that allows public safety workers to
25 access information relating to the disability or special need

1 of the individual.

2 Section 15. Special needs alert database.

3 (a) The Secretary of State shall establish a special needs
4 alert database of persons with a disability or special needs
5 who hold a vehicle registration, State identification card,
6 driver's license, instruction permit, or any other type of
7 driving permit issued by the Secretary of State. The special
8 needs alert database shall be connected to the Secretary of
9 State identification database in a manner that allows public
10 safety workers to access information relating to the disability
11 or special need of individuals.

12 (b) The Secretary of State shall make reasonable efforts to
13 publicize the special needs alert database. The means of
14 publicizing the database shall include, but are not limited to,
15 pamphlets and websites.

16 (c) Any person holding a vehicle registration, State
17 identification card, driver's license, instruction permit, or
18 any other type of driving permit issued by the Secretary of
19 State shall be afforded the opportunity to provide the
20 Secretary of State, in a manner and form designated by the
21 Secretary of State, disability or special needs information
22 relating to the holder or any disabled or special needs
23 individual that does not hold identification issued by the
24 Secretary of State and for which the holder is the primary
25 caregiver.

1 (d) The Secretary shall adopt rules to implement this
2 Section. At a minimum, the rules shall address all of the
3 following:

4 (1) the method whereby a holder may provide the
5 Secretary of State with disability or special needs
6 information;

7 (2) the method whereby a holder may provide the
8 Secretary of State with a change to the disability or
9 special needs information; and

10 (3) any other aspect of the database or its operation
11 that the Secretary determines is necessary to implement
12 this Section.

13 Section 20. Data accessibility. When disability or special
14 needs information is accessed in any Secretary of State
15 database, a public safety worker shall relay the information to
16 other public safety workers when the information relevant in
17 assisting the public safety needs of the disabled or special
18 needs individual.

19 Section 24. Data control. Any person designated by the
20 Secretary of State to control data entered into the special
21 needs alert database shall develop policies and procedures for
22 the control of such data.

23 Section 25. Confidentiality. The information contained in

1 the special needs alert database shall remain strictly
2 confidential. Information in the special needs alert database
3 shall be accessible only to employees of the Office of the
4 Secretary of State or public safety workers employed by this
5 State or any political subdivision thereof. The information
6 shall be used only to provide assistance to public safety
7 workers. No public safety worker shall knowingly violate this
8 Section. Citizens who believe their health privacy rights have
9 been violated may file a complaint with the U.S. Department of
10 Health and Human Services (DHHS) via the Office of Civil Rights
11 (OCR).

12 Section 30. No waiver. Nothing in this Act shall be
13 construed as a waiver of any right of privacy in any law
14 relating to the confidentiality or privacy of personal
15 information or medical records, including provisions under the
16 Federal Health Insurance Portability and Accountability Act
17 (HIPAA).

18 Section 35. Liability. Except for willful or wanton
19 misconduct, a public safety worker shall not be subject to
20 civil liabilities for duties relating to the reporting of
21 special needs individuals.

22 Section 40. Citizen advisory. Citizens electing to provide
23 disability or special needs information pursuant to this Act

1 must be advised that the provision of disability or special
2 needs information will not result in preferential treatment.

3 Section 45. Duration of Act. The establishment and
4 continued existence of the special needs alert database shall
5 be based on funding availability.

6 Section 999. Effective date. This Act takes effect upon
7 becoming law.