



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3776

by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

New Act

15 ILCS 335/11

625 ILCS 5/2-109.1

from Ch. 124, par. 31

Creates the Attorney General Identity Theft Database Act. Provides that the Attorney General shall establish and maintain a database of persons who have been victims of identity theft. Provides that the Office of the Attorney General shall provide a victim of identity theft or his or her authorized representative access to the database in order to establish that the person has been a victim of identity theft. Provides that access to the database shall be limited to criminal justice agencies including law enforcement agencies, victims of identity theft, and persons and agencies authorized by the victims. Provides that in order for a victim of identity theft to be included in the database, he or she shall submit to the Attorney General a court order obtained under any provision of law, a full set of fingerprints, and any other information prescribed by the Attorney General. Provides that upon receiving the information, the Office of the Attorney General shall verify the identity of the victim against any driver's license or other identification record maintained by the Secretary of State. Amends the Illinois Identification Card Act and the Illinois Vehicle Code to make conforming changes.

LRB098 15311 RLC 50337 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning identity theft.

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 Attorney General Identity Theft Database Act.

6 Section 5. Definition. For the purposes of this Act,
7 "victim of identity theft" means a victim of the offense of
8 identity theft or aggravated identity theft as defined in
9 Section 16-30 of the Criminal Code of 2012.

10 Section 10. Attorney General Identity Theft Database.

11 (a) The Attorney General shall establish and maintain a
12 database of persons who have been victims of identity theft.
13 The Office of the Attorney General shall provide a victim of
14 identity theft or his or her authorized representative access
15 to the database in order to establish that the person has been
16 a victim of identity theft. Access to the database shall be
17 limited to criminal justice agencies including law enforcement
18 agencies, victims of identity theft, and persons and agencies
19 authorized by the victims.

20 (b) In order for a victim of identity theft to be included
21 in the database established under subsection (a) of this
22 Section, he or she shall submit to the Attorney General a court

1 order obtained under any provision of law, a full set of
2 fingerprints, and any other information prescribed by the
3 Attorney General.

4 (c) Upon receiving information under subsection (a) of this
5 Section, the Office of the Attorney General shall verify the
6 identity of the victim against any driver's license or other
7 identification record maintained by the Secretary of State.

8 Section 100. The Illinois Identification Card Act is
9 amended by changing Section 11 as follows:

10 (15 ILCS 335/11) (from Ch. 124, par. 31)

11 Sec. 11. The Secretary may make a search of his records and
12 furnish information as to whether a person has a current
13 Standard Illinois Identification Card or an Illinois Person
14 with a Disability Identification Card then on file, upon
15 receipt of a written application therefor accompanied with the
16 prescribed fee. However, the Secretary may not disclose medical
17 information concerning an individual to any person, public
18 agency, private agency, corporation or governmental body
19 unless the individual has submitted a written request for the
20 information or unless the individual has given prior written
21 consent for the release of the information to a specific person
22 or entity. This exception shall not apply to: (1) offices and
23 employees of the Secretary who have a need to know the medical
24 information in performance of their official duties, or (2)

1 orders of a court of competent jurisdiction. When medical
2 information is disclosed by the Secretary in accordance with
3 the provisions of this Section, no liability shall rest with
4 the Office of the Secretary of State as the information is
5 released for informational purposes only.

6 The Secretary may release personally identifying
7 information or highly restricted personal information only to:

8 (1) officers and employees of the Secretary who have a
9 need to know that information;

10 (2) other governmental agencies for use in their
11 official governmental functions;

12 (3) law enforcement agencies that need the information
13 for a criminal or civil investigation;

14 (3-5) the State Board of Elections for the sole purpose
15 of providing the signatures required by a local election
16 authority to register a voter through an online voter
17 registration system; ~~or~~

18 (3-6) the Attorney General as necessary for compliance
19 with Section 10 of the Attorney General Identity Theft
20 Database Act; or

21 (4) any entity that the Secretary has authorized, by
22 rule, to receive this information.

23 The Secretary may not disclose an individual's social
24 security number or any associated information obtained from the
25 Social Security Administration without the written request or
26 consent of the individual except: (i) to officers and employees

1 of the Secretary who have a need to know the social security
2 number in the performance of their official duties; (ii) to law
3 enforcement officials for a lawful civil or criminal law
4 enforcement investigation if the head of the law enforcement
5 agency has made a written request to the Secretary specifying
6 the law enforcement investigation for which the social security
7 number is being sought; (iii) under a lawful court order signed
8 by a judge; or (iv) to the Illinois Department of Veterans'
9 Affairs for the purpose of confirming veteran status.

10 (Source: P.A. 97-739, eff. 1-1-13; 97-1064, eff. 1-1-13;
11 98-115, eff. 7-29-13; 98-463, eff. 8-16-13.)

12 Section 105. The Illinois Vehicle Code is amended by
13 changing Section 2-109.1 as follows:

14 (625 ILCS 5/2-109.1)

15 Sec. 2-109.1. Exchange of information.

16 (a) The Secretary of State shall exchange information with
17 the Department of Healthcare and Family Services which may be
18 necessary for the establishment of paternity and the
19 establishment, modification, and enforcement of child support
20 orders pursuant to the Illinois Public Aid Code, the Illinois
21 Marriage and Dissolution of Marriage Act, the Non-Support of
22 Spouse and Children Act, the Non-Support Punishment Act, the
23 Revised Uniform Reciprocal Enforcement of Support Act, the
24 Uniform Interstate Family Support Act, or the Illinois

1 Parentage Act of 1984.

2 (b) Notwithstanding any provisions in this Code to the
3 contrary, the Secretary of State shall not be liable to any
4 person for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois Department
6 of Public Aid) under subsection (a) or for any other action
7 taken in good faith to comply with the requirements of
8 subsection (a).

9 (c) The Secretary of State shall exchange information with
10 the Office of the Attorney General which may be necessary for
11 compliance with Section 10 of the Attorney General Identity
12 Theft Database Act. Notwithstanding any provisions in this Code
13 to the contrary, the Secretary of State shall not be liable to
14 any person for disclosure of information to the Office of the
15 Attorney General under this subsection (c) or for any other
16 action taken in good faith to comply with the requirements of
17 this subsection (c).

18 (Source: P.A. 95-331, eff. 8-21-07.)