

SB3591



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3591

Introduced 2/14/2020, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

740 ILCS 14/20

Amends the Biometric Information Privacy Act. Deletes language that a prevailing party may recover damages against a private entity that negligently violates the Act for each violation of the Act. Provides instead that a prevailing party may recover liquidated damages of \$1,000 or actual damages, whichever is greater, and that such damages for a negligent violation by a private entity shall be recovered only for a single collection of each aggrieved party's biometric identifier or biometric information.

LRB101 19662 LNS 69152 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is amended
5 by changing Section 20 as follows:

6 (740 ILCS 14/20)

7 Sec. 20. Right of action. Any person aggrieved by a
8 violation of this Act shall have a right of action in a State
9 circuit court or as a supplemental claim in federal district
10 court against an offending party. A prevailing party may
11 recover for each violation:

12 (1) (blank); ~~against a private entity that negligently~~
13 ~~violates a provision of this Act, liquidated damages of~~
14 ~~\$1,000 or actual damages, whichever is greater;~~

15 (2) against a private entity that intentionally or
16 recklessly violates a provision of this Act, liquidated
17 damages of \$5,000 or actual damages, whichever is greater;

18 (3) reasonable attorneys' fees and costs, including
19 expert witness fees and other litigation expenses; and

20 (4) other relief, including an injunction, as the State
21 or federal court may deem appropriate.

22 A prevailing party in an action against a private entity
23 that negligently violates a provision of this Act may recover

1 liquidated damages of \$1,000 or actual damages, whichever is
2 greater. Damages recovered for a negligent violation by a
3 private entity shall be recovered only for a single collection
4 of each aggrieved party's biometric identifier or biometric
5 information.

6 (Source: P.A. 95-994, eff. 10-3-08.)