

1                                    AMENDMENT TO HOUSE BILL 1375

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1375 by replacing  
3 everything after the enacting clause with the following:

4            "Section 1. Short title. This Act may be cited as the  
5 Victims of Stalking and Domestic Violence Address  
6 Confidentiality Act.

7            Section 5. Purposes. The General Assembly finds that  
8 persons attempting to escape from actual or threatened  
9 domestic violence or stalking frequently establish new names  
10 or addresses in order to prevent their assailants or probable  
11 assailants from finding them. The purpose of this Act is to  
12 enable State and local agencies to respond to requests for  
13 public records without disclosing the changed name or  
14 location of a victim of domestic violence or stalking, to  
15 enable interagency cooperation with the Attorney General in  
16 providing name and address confidentiality for victims of  
17 domestic violence or stalking, and to enable State and local  
18 agencies to accept a program participant's use of an address  
19 designated by the Attorney General as a substitute mailing  
20 address.

21            Section 10. Definitions. Unless the context clearly

1 requires otherwise, the definitions in this Section apply  
2 throughout this Act:

3 "Address" means a residential street address, school  
4 address, or work address of an individual, as specified on  
5 the individual's application to be a program participant  
6 under this Act.

7 "Adult person" means a person 18 years of age or older.

8 "Domestic violence" means an act as defined in Section  
9 103 of the Illinois Domestic Violence Act of 1986.

10 "Stalking" means an act as defined in Section 12-7.3 or  
11 12-7.4 of the Criminal Code of 1961.

12 "Program participant" means a person certified as a  
13 program participant under Section 20.

14 "Demonstration" means a project, 18 months in duration,  
15 implemented within the 8 designated counties in western  
16 Illinois that are designed to test the operational integrity  
17 of the address confidentiality program.

18 "Address confidentiality program manager" means the  
19 person at the Office of the Attorney General responsible for  
20 the administration of the address confidentiality program.

21 Section 15. Address confidentiality program  
22 administration. Subject to appropriation, the Attorney  
23 General shall administer a demonstration address  
24 confidentiality program. At the end of the time period for  
25 the demonstration, an evaluation shall be conducted to  
26 determine whether or not the program enhances the safety and  
27 security of the victims of domestic violence or stalking and  
28 if the program design meets the needs of victims of domestic  
29 violence or stalking. Implementation of the address  
30 confidentiality statewide initiative shall proceed if it is  
31 determined that the use of the program services warrants the  
32 cost of the program implementation and appropriations are  
33 provided for this action.

1 Section 20. Program participants.

2 (a) An adult person, a parent or legal guardian acting  
3 on behalf of a minor, or a legal guardian acting on behalf of  
4 a person under legal disability may apply to the Attorney  
5 General to have an address certified by the Attorney General  
6 serve as the person's address or the address of the minor or  
7 the person under legal disability. An application shall be  
8 completed in person at a designated community-based victims'  
9 assistance program.

10 The application process shall include a requirement that  
11 the applicant meet with a victims' assistance counselor and  
12 receive orientation information about the program. The  
13 Attorney General shall approve an application if it is filed  
14 in the manner and on the form prescribed by the Attorney  
15 General and if it contains all of the following:

16 (1) A sworn statement by the applicant, and  
17 witnessed by an appointed representative of any agency  
18 designated in writing under Section 60 of this Act, that  
19 the applicant has good reason to believe both of the  
20 following:

21 (A) that the applicant, or the minor or  
22 incapacitated person on whose behalf the application  
23 is made, is a victim of domestic violence or  
24 stalking; and

25 (B) that the applicant fears for his or her  
26 safety or his or her children's safety, or the  
27 safety of the minor or incapacitated person on whose  
28 behalf the application is made.

29 (2) If the applicant alleges that the basis for the  
30 application is that the applicant, or the minor or person  
31 under legal disability on whose behalf the application is  
32 made, is a victim of domestic violence, the application  
33 shall be accompanied by at least 2 pieces of evidence  
34 including, but not limited to, any of the following:

1 (A) police, court, or other government agency  
2 reports, orders, or files; or

3 (B) any other evidence supporting the sworn  
4 statements that provides the basis for the claim or  
5 physical evidence of the act or acts of domestic  
6 violence or stalking from:

7 (i) a domestic violence program if the  
8 person is alleged to be a victim of domestic  
9 violence;

10 (ii) a legal, medical, or the other  
11 professional from whom the applicant or person  
12 on whose behalf the application is made has  
13 sought assistance in dealing with the alleged  
14 domestic violence or stalking; or

15 (iii) any individual with knowledge of  
16 the circumstances that provides the basis for  
17 the claim, or physical evidence of the act or  
18 acts of domestic violence or stalking.

19 (3) A designation of a representative of any agency  
20 designated in writing under Section 60 of this Act as an  
21 agent for purposes of service of process and for the  
22 purpose of receipt of mail.

23 (4) The mailing addresses where the applicant and  
24 agent can be contacted by the Attorney General and the  
25 phone number or numbers where the applicant can be called  
26 by the Attorney General.

27 (5) The address or addresses that the applicant  
28 requests not be disclosed for the reason that disclosure  
29 will increase the risk of domestic violence or stalking.

30 (6) The signature of the applicant and of any  
31 individual or representative of any office designated in  
32 writing under Section 60 who assisted in the preparation  
33 of the application and the date on which the applicant  
34 signed the application.

1           (7) Proof of a legal change of name, as  
2           appropriate.

3           (b) Applications shall be filed by mail with the office  
4           of the Attorney General.

5           (c) The Attorney General shall certify the applicant as  
6           a program participant upon the filing of a properly completed  
7           application. Applicants shall be certified for one year  
8           following the date of filing unless the certification is  
9           withdrawn or invalidated before that date. The Attorney  
10          General shall by rule establish a renewal procedure.

11          (d) A person who falsely attests in an application that  
12          disclosure of the applicant's address would endanger the  
13          applicant's safety or the safety of the applicant's children  
14          or the minor or person under legal disability on whose behalf  
15          the application is made, or who knowingly provides false or  
16          incorrect information upon making an application, is guilty  
17          of a Class A misdemeanor. A notice shall be printed in bold  
18          type and in a conspicuous location on the face of the  
19          application informing the applicant of the penalties under  
20          this subsection.

21          Section 25. Agent; service.

22          (a) Service on the agent of any summons, writ, notice,  
23          demand, or process shall be made by delivering to the agent 2  
24          copies of the summons, writ, notice, demand, or process.

25          (b) If a summons, writ, notice, demand, or process is  
26          served on the agent, the agent shall immediately cause a copy  
27          to be forwarded to the program participant at the address  
28          shown on the records of the address confidentiality program  
29          so that the summons, writ, notice, demand, or process is  
30          received by the program participant within 3 days of the  
31          agent having received it.

32          (c) The agent shall keep a record of all summonses,  
33          writs, notices, demands, and processes served upon the agent

1 under this Section and shall record the time of that service.  
2 The agent shall forward documentation indicating that this  
3 information is on file at the agency to the Attorney General.

4 (d) The Office of the Attorney General, any agent or  
5 person employed by the Attorney General, and any agent shall  
6 be held harmless from any liability in any action brought by  
7 any person injured or harmed as a result of the handling of  
8 first-class mail on behalf of program participants.

9 Section 30. Name changes of program participants;  
10 confidential. The Attorney General and agent shall keep  
11 confidential name changes of program participants obtained  
12 pursuant to subsection (b) of Section 21-102 of the Code of  
13 Civil Procedure. The Attorney General and agent shall have  
14 the same responsibilities and obligations to program  
15 participants who have obtained a name change as to any other  
16 program participant under this Act.

17 Section 35. Termination of program participant's  
18 certification.

19 (a) The address confidentiality program manager may  
20 terminate a program participant's certification and  
21 invalidate his or her authorization card for any of the  
22 following reasons:

23 (1) The program participant's certification term  
24 has expired and certification renewal has not been  
25 completed.

26 (2) The address confidentiality program manager has  
27 determined that false information was used in the  
28 application process or that participation in the program  
29 is being used as a subterfuge to avoid detection of  
30 illegal or criminal activity or apprehension by law  
31 enforcement.

32 (3) The program participant no longer resides at

1 the residential address listed on the application, and  
2 has not provided at least 10 days' prior notice in  
3 writing of a change in address.

4 (4) A service of process document or mail forwarded  
5 to the program participant by the address confidentiality  
6 program manager or agent is returned as nondeliverable.

7 (5) The program participant obtains a legal name  
8 change and fails to notify the Attorney General within 10  
9 days.

10 (b) If termination is a result of paragraph (1), (3),  
11 (4), or (5) of subsection (a), the address confidentiality  
12 program manager shall send written notification of the  
13 intended termination to the program participant. The program  
14 participant shall have 5 business days in which to appeal the  
15 termination under procedures developed by the Attorney  
16 General.

17 (c) The address confidentiality program manager shall  
18 notify in writing the county clerk or board of election  
19 commissioners and authorized personnel of the appropriate  
20 county clerk's or board of election commissioners' office,  
21 county recorder's office, the local department of public  
22 health, and any schools attended by the program participant  
23 or his or her children of the program participant's  
24 certification withdrawal or termination.

25 (d) Upon receipt of this termination notification, agent  
26 shall transmit to the address confidentiality program manager  
27 all appropriate administrative records pertaining to the  
28 program participant and shall no longer responsible for  
29 maintaining the confidentiality of a terminated program  
30 participant's record.

31 (e) Following termination of program participant  
32 certification as a result of subsection (a), the address  
33 confidentiality program manager may disclose information  
34 contained in the participant's application.

1 (f) Any records or documents pertaining to a program  
2 participant shall be retained and held confidential for a  
3 period of 3 years after termination of certification and then  
4 destroyed.

5 Section 40. Withdrawal from program participation.

6 (a) A program participant may withdraw from program  
7 participation by submitting to the address confidentiality  
8 program manager written notification of withdrawal and his or  
9 her current identification card. Certification shall be  
10 terminated on the date of receipt of this notification.

11 Section 45. Designated address.

12 (a) A program participant may request that State and  
13 local agencies use the address designated by the Attorney  
14 General as his or her address. When creating a public record,  
15 State and local agencies shall accept the address designated  
16 by the Attorney General as a program participant's substitute  
17 address, unless the Attorney General has determined both of  
18 the following:

19 (1) The agency has a bona fide statutory or  
20 administrative requirement for the use of the address  
21 that would otherwise be confidential under this Act.

22 (2) This address will be used only for those  
23 statutory and administrative purposes and may not be  
24 publicly disseminated.

25 (b) A program participant may request that State and  
26 local agencies use the address designated by the Attorney  
27 General as his or her address. When modifying or maintaining  
28 a public record, excluding the record of any birth, fetal  
29 death, death, or marriage registered under the Vital Records  
30 Act, State and local agencies shall accept the address  
31 designated by the Attorney General as a program participant's  
32 substitute address, unless the Attorney General has



1 determined both of the following:

2 (1) The agency has a bona fide statutory or  
3 administrative requirement for the use of the address  
4 that would otherwise be confidential under this Act.

5 (2) This address will be used only for those  
6 statutory and administrative purposes and may not be  
7 publicly disseminated.

8 (c) A program participant may use the address designated  
9 by the Attorney General as his or her work address.

10 (d) The agent shall forward all first-class mail and all  
11 mail sent by a governmental agency to the appropriate program  
12 participants. The agent shall not handle or forward packages  
13 regardless of size or type of mailing.

14 (e) Notwithstanding subsections (a) and (b), program  
15 participants shall comply with the provisions specified in  
16 Section 6-117 of the Illinois Vehicle Code if requesting  
17 suppression of the records maintained by the Secretary of  
18 State under the Illinois Vehicle Code. Program participants  
19 shall also comply with all other provisions of the Illinois  
20 Vehicle Code relating to providing current address  
21 information to the Secretary of State.

22 Section 50. Confidential voting. A program participant  
23 who is otherwise qualified to vote may seek to register and  
24 vote in a confidential manner under Section 4-34, 5-44, or  
25 6-81 of the Election Code.

26 Section 55. Confidential records. Neither the Attorney  
27 General nor agent may make a program participant's address,  
28 other than the address designated by the Attorney General, or  
29 a program participant's name change available for inspection  
30 or copying, except under any of the following circumstances:

31 (1) If requested by a law enforcement agency, to the law  
32 enforcement agency.

1 (2) If directed by a court order, to a person identified  
2 in the order.

3 (3) If certification has been canceled.

4 Section 60. Assistance from other agencies. The  
5 Attorney General shall designate State and local agencies and  
6 nonprofit agencies that provide counseling and shelter  
7 services to victims of domestic violence or stalking to  
8 assist persons applying to be program participants. Any  
9 assistance and counseling rendered by the Office of the  
10 Attorney General or its designees to applicants shall in no  
11 way be construed as legal advice.

12 Section 65. Rules. The Attorney General may adopt rules  
13 to facilitate the administration of this Act by State and  
14 local agencies.

15 Section 70. Report to the General Assembly.

16 (a) The Attorney General shall submit to the General  
17 Assembly, no later than January 10 of each year, a report  
18 that includes the total number of applications received for  
19 the program established by this Act. The report shall  
20 disclose the number of program participants within each  
21 county and shall also describe any allegations of misuse  
22 relating to election purposes.

23 (b) The Attorney General shall commence accepting  
24 applications and other activities under this program on July  
25 1, 2004.

26 (c) The Attorney General shall submit a report to the  
27 General Assembly by January 1, 2010 that includes the total  
28 number of pieces of mail forwarded to program participants,  
29 the number of program participants during the program's  
30 duration, the number of program participants who obtained a  
31 confidential name change under subsection (b) of Section

1 21-102 of the Code of Civil Procedure, the average length of  
2 time a participant remains in the program, and the targeted  
3 Act changes needed to improve the program's efficiency and  
4 cost-effectiveness.

5 Section 75. Repeal. This Act is repealed on January 1,  
6 2014.

7 Section 105. The Election Code is amended by adding  
8 Sections 4-34, 5-44, and 6-81 as follows:

9 (10 ILCS 5/4-34 new)

10 Sec. 4-34. Confidential registration.

11 (a) Any person filing with the county clerk a new  
12 affidavit of registration or re-registration may have the  
13 information relating to his or her residence address  
14 appearing on the affidavit of registration, or any registrant  
15 list or roster or index prepared from that list, declared  
16 confidential upon presentation of certification that the  
17 person is a participant in the Address Confidentiality for  
18 Victims of Domestic Violence and Stalking program under the  
19 Victims of Stalking and Domestic Violence Address  
20 Confidentiality Act.

21 (b) Any person granted confidentiality under subsection  
22 (a) shall:

23 (1) Be considered an absent voter for all  
24 subsequent elections or until the county clerk is  
25 notified otherwise by the Attorney General or in writing  
26 by the voter. A voter requesting termination of absent  
27 voter status under this paragraph (1) consents to  
28 placement of his or her residence address on the  
29 registration record card or computer-based voter  
30 registration file.

31 (2) In addition to the required residence address,

1 provide a valid mailing address to be used in place of  
2 the residence address for election purposes. The county  
3 clerk, in producing any list, roster, or index may, at  
4 his or her choice, use the valid mailing address or the  
5 word "confidential" or some similar designation in place  
6 of the residence address.

7 (c) No action in negligence may be maintained against  
8 any government entity or officer or employee of a government  
9 entity as a result of disclosure of the information that is  
10 the subject of this Section unless by a showing of gross  
11 negligence or willfulness.

12 (d) Subsections (a) and (b) do not apply to any person  
13 granted confidentiality upon receipt by the county clerk of a  
14 written notice by the address confidentiality program manager  
15 of the withdrawal, invalidation, expiration, or termination  
16 of the program participant's certification.

17 (e) This Section is repealed on January 1, 2014.

18 (10 ILCS 5/5-44 new)

19 Sec. 5-44. Confidential registration.

20 (a) Any person filing with the county clerk a new  
21 affidavit of registration or re-registration may have the  
22 information relating to his or her residence address  
23 appearing on the affidavit of registration, or any registrant  
24 list or roster or index prepared from that list, declared  
25 confidential upon presentation of certification that the  
26 person is a participant in the Address Confidentiality for  
27 Victims of Domestic Violence and Stalking program under the  
28 Victims of Stalking and Domestic Violence Address  
29 Confidentiality Act.

30 (b) Any person granted confidentiality under subsection  
31 (a) shall:

32 (1) Be considered an absent voter for all subsequent  
33 elections or until the county clerk is notified otherwise

1 by the Attorney General or in writing by the voter. A  
2 voter requesting termination of absent voter status under  
3 this paragraph (1) consents to placement of his or her  
4 residence address on the registration record card or  
5 computer-based voter registration file.

6 (2) In addition to the required residence address,  
7 provide a valid mailing address to be used in place of  
8 the residence address for election purposes.

9 The county clerk, in producing any list, roster, or index  
10 may, at his or her choice, use the valid mailing address or  
11 the word "confidential" or some similar designation in place  
12 of the residence address.

13 (c) No action in negligence may be maintained against  
14 any government entity or officer or employee of a government  
15 entity as a result of disclosure of the information that is  
16 the subject of this Section unless by a showing of gross  
17 negligence or willfulness.

18 (d) Subsections (a) and (b) do not apply to any person  
19 granted confidentiality upon receipt by the county clerk of a  
20 written notice by the address confidentiality program manager  
21 of the withdrawal, invalidation, expiration, or termination  
22 of the program participant's certification.

23 (e) This Section is repealed on January 1, 2014.

24 (10 ILCS 5/6-81 new)

25 Sec. 6-81. Confidential registration.

26 (a) Any person filing with the Board of election  
27 Commissioners a new affidavit of registration or  
28 re-registration may have the information relating to his or  
29 her residence address appearing on the affidavit of  
30 registration, or any registrant list or roster or index  
31 prepared from that list, declared confidential upon  
32 presentation of certification that the person is a  
33 participant in the Address Confidentiality for Victims of

1 Domestic Violence and Stalking program under the Victims of  
2 Stalking and Domestic Violence Address Confidentiality Act.

3 (b) Any person granted confidentiality under subsection  
4 (a) shall:

5 (1) Be considered an absent voter for all  
6 subsequent elections or until the Board of Election  
7 Commissioners is notified otherwise by the Attorney  
8 General or in writing by the voter. A voter requesting  
9 termination of absent voter status under this paragraph  
10 (1) consents to placement of his or her residence address  
11 on the registration record card or computer-based voter  
12 registration file.

13 (2) In addition to the required residence address,  
14 provide a valid mailing address to be used in place of  
15 the residence address for election purposes. The Board of  
16 Election Commissioners, in producing any list, roster, or  
17 index may, at his or her choice, use the valid mailing  
18 address or the word "confidential" or some similar  
19 designation in place of the residence address.

20 (c) No action in negligence may be maintained against  
21 any government entity or officer or employee of a government  
22 entity as a result of disclosure of the information that is  
23 the subject of this Section unless by a showing of gross  
24 negligence or willfulness.

25 (d) Subsections (a) and (b) do not apply to any person  
26 granted confidentiality upon receipt by the county clerk of a  
27 written notice by the address confidentiality program manager  
28 of the withdrawal, invalidation, expiration, or termination  
29 of the program participant's certification.

30 (e) This Section is repealed on January 1, 2014.

31 Section 110. The Illinois Vehicle Code is amended by  
32 changing Section 2-123 as follows:

1 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

2 Sec. 2-123. Sale and Distribution of Information.

3 (a) Except as otherwise provided in this Section, the  
4 Secretary may make the driver's license, vehicle and title  
5 registration lists, in part or in whole, and any statistical  
6 information derived from these lists available to local  
7 governments, elected state officials, state educational  
8 institutions, and all other governmental units of the State  
9 and Federal Government requesting them for governmental  
10 purposes. The Secretary shall require any such applicant for  
11 services to pay for the costs of furnishing such services and  
12 the use of the equipment involved, and in addition is  
13 empowered to establish prices and charges for the services so  
14 furnished and for the use of the electronic equipment  
15 utilized.

16 (b) The Secretary is further empowered to and he may, in  
17 his discretion, furnish to any applicant, other than listed  
18 in subsection (a) of this Section, vehicle or driver data on  
19 a computer tape, disk, other electronic format or computer  
20 processable medium, or printout at a fixed fee of \$250 in  
21 advance and require in addition a further sufficient deposit  
22 based upon the Secretary of State's estimate of the total  
23 cost of the information requested and a charge of \$25 per  
24 1,000 units or part thereof identified or the actual cost,  
25 whichever is greater. The Secretary is authorized to refund  
26 any difference between the additional deposit and the actual  
27 cost of the request. This service shall not be in lieu of an  
28 abstract of a driver's record nor of a title or registration  
29 search. This service may be limited to entities purchasing a  
30 minimum number of records as required by administrative rule.  
31 The information sold pursuant to this subsection shall be the  
32 entire vehicle or driver data list, or part thereof. The  
33 information sold pursuant to this subsection shall not  
34 contain personally identifying information unless the

1 information is to be used for one of the purposes identified  
2 in subsection (f-5) of this Section. Commercial purchasers  
3 of driver and vehicle record databases shall enter into a  
4 written agreement with the Secretary of State that includes  
5 disclosure of the commercial use of the information to be  
6 purchased.

7 (c) Secretary of State may issue registration lists.  
8 The Secretary of State shall compile and publish, at least  
9 annually, a list of all registered vehicles. Each list of  
10 registered vehicles shall be arranged serially according to  
11 the registration numbers assigned to registered vehicles and  
12 shall contain in addition the names and addresses of  
13 registered owners and a brief description of each vehicle  
14 including the serial or other identifying number thereof.  
15 Such compilation may be in such form as in the discretion of  
16 the Secretary of State may seem best for the purposes  
17 intended.

18 (d) The Secretary of State shall furnish no more than 2  
19 current available lists of such registrations to the sheriffs  
20 of all counties and to the chiefs of police of all cities and  
21 villages and towns of 2,000 population and over in this State  
22 at no cost. Additional copies may be purchased by the  
23 sheriffs or chiefs of police at the fee of \$500 each or at  
24 the cost of producing the list as determined by the Secretary  
25 of State. Such lists are to be used for governmental  
26 purposes only.

27 (e) (Blank).

28 (e-1) (Blank).

29 (f) The Secretary of State shall make a title or  
30 registration search of the records of his office and a  
31 written report on the same for any person, upon written  
32 application of such person, accompanied by a fee of \$5 for  
33 each registration or title search. The written application  
34 shall set forth the intended use of the requested



1 information. No fee shall be charged for a title or  
2 registration search, or for the certification thereof  
3 requested by a government agency. The report of the title or  
4 registration search shall not contain personally identifying  
5 information unless the request for a search was made for one  
6 of the purposes identified in subsection (f-5) of this  
7 Section.

8 The Secretary of State shall certify a title or  
9 registration record upon written request. The fee for  
10 certification shall be \$5 in addition to the fee required for  
11 a title or registration search. Certification shall be made  
12 under the signature of the Secretary of State and shall be  
13 authenticated by Seal of the Secretary of State.

14 The Secretary of State may notify the vehicle owner or  
15 registrant of the request for purchase of his title or  
16 registration information as the Secretary deems appropriate.

17 No information shall be released to the requestor until  
18 expiration of a 10 day period. This 10 day period shall not  
19 apply to requests for information made by law enforcement  
20 officials, government agencies, financial institutions,  
21 attorneys, insurers, employers, automobile associated  
22 businesses, persons licensed as a private detective or firms  
23 licensed as a private detective agency under the Private  
24 Detective, Private Alarm, and Private Security Act of 1983,  
25 who are employed by or are acting on behalf of law  
26 enforcement officials, government agencies, financial  
27 institutions, attorneys, insurers, employers, automobile  
28 associated businesses, and other business entities for  
29 purposes consistent with the Illinois Vehicle Code, the  
30 vehicle owner or registrant or other entities as the  
31 Secretary may exempt by rule and regulation.

32 Any misrepresentation made by a requestor of title or  
33 vehicle information shall be punishable as a petty offense,  
34 except in the case of persons licensed as a private detective

1 or firms licensed as a private detective agency which shall  
2 be subject to disciplinary sanctions under Section 22 or 25  
3 of the Private Detective, Private Alarm, and Private Security  
4 Act of 1983.

5 (f-5) The Secretary of State shall not disclose or  
6 otherwise make available to any person or entity any  
7 personally identifying information obtained by the Secretary  
8 of State in connection with a driver's license, vehicle, or  
9 title registration record unless the information is disclosed  
10 for one of the following purposes:

11 (1) For use by any government agency, including any  
12 court or law enforcement agency, in carrying out its  
13 functions, or any private person or entity acting on  
14 behalf of a federal, State, or local agency in carrying  
15 out its functions.

16 (2) For use in connection with matters of motor  
17 vehicle or driver safety and theft; motor vehicle  
18 emissions; motor vehicle product alterations, recalls, or  
19 advisories; performance monitoring of motor vehicles,  
20 motor vehicle parts, and dealers; and removal of  
21 non-owner records from the original owner records of  
22 motor vehicle manufacturers.

23 (3) For use in the normal course of business by a  
24 legitimate business or its agents, employees, or  
25 contractors, but only:

26 (A) to verify the accuracy of personal  
27 information submitted by an individual to the  
28 business or its agents, employees, or contractors;  
29 and

30 (B) if such information as so submitted is not  
31 correct or is no longer correct, to obtain the  
32 correct information, but only for the purposes of  
33 preventing fraud by, pursuing legal remedies  
34 against, or recovering on a debt or security

1 interest against, the individual.

2 (4) For use in research activities and for use in  
3 producing statistical reports, if the personally  
4 identifying information is not published, redisclosed, or  
5 used to contact individuals.

6 (5) For use in connection with any civil, criminal,  
7 administrative, or arbitral proceeding in any federal,  
8 State, or local court or agency or before any  
9 self-regulatory body, including the service of process,  
10 investigation in anticipation of litigation, and the  
11 execution or enforcement of judgments and orders, or  
12 pursuant to an order of a federal, State, or local court.

13 (6) For use by any insurer or insurance support  
14 organization or by a self-insured entity or its agents,  
15 employees, or contractors in connection with claims  
16 investigation activities, antifraud activities, rating,  
17 or underwriting.

18 (7) For use in providing notice to the owners of  
19 towed or impounded vehicles.

20 (8) For use by any private investigative agency or  
21 security service licensed in Illinois for any purpose  
22 permitted under this subsection.

23 (9) For use by an employer or its agent or insurer  
24 to obtain or verify information relating to a holder of a  
25 commercial driver's license that is required under  
26 chapter 313 of title 49 of the United States Code.

27 (10) For use in connection with the operation of  
28 private toll transportation facilities.

29 (11) For use by any requester, if the requester  
30 demonstrates it has obtained the written consent of the  
31 individual to whom the information pertains.

32 (12) For use by members of the news media, as  
33 defined in Section 1-148.5, for the purpose of  
34 newsgathering when the request relates to the operation

1 of a motor vehicle or public safety.

2 (13) For any other use specifically authorized by  
3 law, if that use is related to the operation of a motor  
4 vehicle or public safety.

5 (f-6) Notwithstanding the provisions of subsection  
6 (f-5), any residence address obtained by the Secretary of  
7 State in connection with a driver's license, vehicle, or  
8 title registration record is confidential and may not be  
9 disclosed to any person, except:

10 (1) A court, law enforcement agency, or other  
11 government agency, or as authorized in clauses (2), (3),  
12 (4), (5), (6), or (7) of this subsection (f-6).

13 (2) A financial institution licensed by the State  
14 or federal government to do business in this State that  
15 states under penalty of perjury that it has obtained a  
16 written waiver from the confidentiality provisions of  
17 this subsection (f-6) signed by the individual whose  
18 address is requested, except that the financial  
19 institution may provide the address of any person who has  
20 entered into an agreement held by that institution prior  
21 to the effective date of this amendatory Act of the 93rd  
22 General Assembly, so long as that agreement remains in  
23 effect.

24 (3) An insurance company licensed to do business in  
25 this State when the company, under penalty of perjury,  
26 requests the information for the purpose of obtaining the  
27 address of another motorist or vehicle owner involved in  
28 an accident with the company's insured or requests the  
29 information on an individual who has signed a written  
30 waiver of this subsection (f-6) or the individuals  
31 insured under a policy if a named insured of that policy  
32 has signed a written waiver.

33 (4) An attorney when the attorney states, under  
34 penalty of perjury, that the motor vehicle registered

1 owner or driver residential address information is  
2 necessary in order to represent his or her client in a  
3 criminal or civil action which directly involves the use  
4 of the motor vehicle or vessel that is pending, is to be  
5 filed, or is being investigated. Information requested  
6 under this clause (4) is subject to all of the following:

7 (A) The attorney shall state that the criminal  
8 or civil action that is pending, is to be filed, or  
9 is being investigated relates directly to the use of  
10 that motor vehicle.

11 (B) The case number, if any, or the names of  
12 expected parties to the extent they are known to the  
13 attorney requesting the information, shall be listed  
14 on the request.

15 (C) A residence address obtained from the  
16 Secretary of State may not be used for any purpose  
17 other than in furtherance of the case cited or  
18 action to be filed or which is being investigated.

19 (D) If no action is filed within a reasonable  
20 time, the residence address information shall be  
21 destroyed.

22 (E) An attorney may not request residence  
23 address information under this clause (4) in order  
24 to sell the information to any person.

25 (F) Within 10 days of receipt of a request,  
26 the Secretary of State shall notify every individual  
27 whose residence address has been requested under  
28 this clause (4).

29 (5) A vehicle manufacturer licensed to do business in  
30 this State if the manufacturer, or its agent, under penalty  
31 of perjury, requests and uses the information only for the  
32 purpose of safety, warranty, emission, or product recall if  
33 the manufacturer offers to make and makes any changes at no  
34 cost to the vehicle owner.

1       (6) A dealer licensed to do business in this State if  
2 the dealer, or its agent, under penalty of perjury, requests  
3 and uses the information only for the purpose of completing  
4 registration transactions and documents.

5       (7) A person who, under penalty of perjury, requests  
6 and uses the information and makes a written assurance to the  
7 Secretary of State that the information will be used solely  
8 for statistical research or reporting purposes, but only if  
9 the information to be disclosed is in a form that will not  
10 identify any individual and if the request specifies that no  
11 persons will be contacted by mail or otherwise at the address  
12 included with the information released. The information  
13 released by the Secretary of State under this clause (7) may  
14 not be in a form that identifies any person. Residential  
15 addresses released under this clause (7) may not be used for  
16 direct marketing or solicitation for the purchase of any  
17 consumer product or service.

18       (f-7) Any registration or driver's license record of a  
19 person may be suppressed from any other person, except those  
20 persons specified in subsection (f-6), if the person  
21 requesting the suppression submits verification acceptable to  
22 the Secretary of State that he or she has reasonable cause to  
23 believe either of the following:

- 24           (1) that he or she is the subject of stalking; and
- 25           (2) that there exists a threat of death or great  
26 bodily injury to his or her person.

27       Upon suppression of a record, each request for  
28 information about that record shall be authorized by the  
29 subject of the record or verified as legitimate by other  
30 investigative means by the Secretary of State before the  
31 information is released.

32       (g) 1. The Secretary of State may, upon receipt of a  
33 written request and a fee of \$6, furnish to the person or  
34 agency so requesting a driver's record. Such document

1 may include a record of: current driver's license  
2 issuance information, except that the information on  
3 judicial driving permits shall be available only as  
4 otherwise provided by this Code; convictions; orders  
5 entered revoking, suspending or cancelling a driver's  
6 license or privilege; and notations of accident  
7 involvement. All other information, unless otherwise  
8 permitted by this Code, shall remain confidential.  
9 Information released pursuant to a request for a driver's  
10 record shall not contain personally identifying  
11 information, unless the request for the driver's record  
12 was made for one of the purposes set forth in subsection  
13 (f-5) of this Section.

14 2. The Secretary of State may certify an abstract  
15 of a driver's record upon written request therefor.  
16 Such certification shall be made under the signature of  
17 the Secretary of State and shall be authenticated by the  
18 Seal of his office.

19 3. All requests for driving record information  
20 shall be made in a manner prescribed by the Secretary and  
21 shall set forth the intended use of the requested  
22 information.

23 The Secretary of State may notify the affected  
24 driver of the request for purchase of his driver's record  
25 as the Secretary deems appropriate.

26 No information shall be released to the requester  
27 until expiration of a 10 day period. This 10 day period  
28 shall not apply to requests for information made by law  
29 enforcement officials, government agencies, financial  
30 institutions, attorneys, insurers, employers, automobile  
31 associated businesses, persons licensed as a private  
32 detective or firms licensed as a private detective agency  
33 under the Private Detective, Private Alarm, and Private  
34 Security Act of 1983, who are employed by or are acting

1 on behalf of law enforcement officials, government  
2 agencies, financial institutions, attorneys, insurers,  
3 employers, automobile associated businesses, and other  
4 business entities for purposes consistent with the  
5 Illinois Vehicle Code, the affected driver or other  
6 entities as the Secretary may exempt by rule and  
7 regulation.

8 Any misrepresentation made by a requestor of driver  
9 information shall be punishable as a petty offense,  
10 except in the case of persons licensed as a private  
11 detective or firms licensed as a private detective agency  
12 which shall be subject to disciplinary sanctions under  
13 Section 22 or 25 of the Private Detective, Private Alarm,  
14 and Private Security Act of 1983.

15 4. The Secretary of State may furnish without fee,  
16 upon the written request of a law enforcement agency, any  
17 information from a driver's record on file with the  
18 Secretary of State when such information is required in  
19 the enforcement of this Code or any other law relating to  
20 the operation of motor vehicles, including records of  
21 dispositions; documented information involving the use of  
22 a motor vehicle; whether such individual has, or  
23 previously had, a driver's license; and the address and  
24 personal description as reflected on said driver's  
25 record.

26 5. Except as otherwise provided in this Section,  
27 the Secretary of State may furnish, without fee,  
28 information from an individual driver's record on file,  
29 if a written request therefor is submitted by any public  
30 transit system or authority, public defender, law  
31 enforcement agency, a state or federal agency, or an  
32 Illinois local intergovernmental association, if the  
33 request is for the purpose of a background check of  
34 applicants for employment with the requesting agency, or



1 for the purpose of an official investigation conducted by  
2 the agency, or to determine a current address for the  
3 driver so public funds can be recovered or paid to the  
4 driver, or for any other purpose set forth in subsection  
5 (f-5) of this Section.

6 The Secretary may also furnish the courts a copy of  
7 an abstract of a driver's record, without fee, subsequent  
8 to an arrest for a violation of Section 11-501 or a  
9 similar provision of a local ordinance. Such abstract  
10 may include records of dispositions; documented  
11 information involving the use of a motor vehicle as  
12 contained in the current file; whether such individual  
13 has, or previously had, a driver's license; and the  
14 address and personal description as reflected on said  
15 driver's record.

16 6. Any certified abstract issued by the Secretary  
17 of State or transmitted electronically by the Secretary  
18 of State pursuant to this Section, to a court or on  
19 request of a law enforcement agency, for the record of a  
20 named person as to the status of the person's driver's  
21 license shall be prima facie evidence of the facts  
22 therein stated and if the name appearing in such abstract  
23 is the same as that of a person named in an information  
24 or warrant, such abstract shall be prima facie evidence  
25 that the person named in such information or warrant is  
26 the same person as the person named in such abstract and  
27 shall be admissible for any prosecution under this Code  
28 and be admitted as proof of any prior conviction or proof  
29 of records, notices, or orders recorded on individual  
30 driving records maintained by the Secretary of State.

31 7. Subject to any restrictions contained in the  
32 Juvenile Court Act of 1987, and upon receipt of a proper  
33 request and a fee of \$6, the Secretary of State shall  
34 provide a driver's record to the affected driver, or the

1 affected driver's attorney, upon verification. Such  
2 record shall contain all the information referred to in  
3 paragraph 1 of this subsection (g) plus: any recorded  
4 accident involvement as a driver; information recorded  
5 pursuant to subsection (e) of Section 6-117 and paragraph  
6 (4) of subsection (a) of Section 6-204 of this Code. All  
7 other information, unless otherwise permitted by this  
8 Code, shall remain confidential.

9 (h) The Secretary shall not disclose social security  
10 numbers except pursuant to a written request by, or with the  
11 prior written consent of, the individual except: (1) to  
12 officers and employees of the Secretary who have a need to  
13 know the social security numbers in performance of their  
14 official duties, (2) to law enforcement officials for a  
15 lawful, civil or criminal law enforcement investigation, and  
16 if the head of the law enforcement agency has made a written  
17 request to the Secretary specifying the law enforcement  
18 investigation for which the social security numbers are being  
19 sought, (3) to the United States Department of  
20 Transportation, or any other State, pursuant to the  
21 administration and enforcement of the Commercial Motor  
22 Vehicle Safety Act of 1986, (4) pursuant to the order of a  
23 court of competent jurisdiction, or (5) to the Department of  
24 Public Aid for utilization in the child support enforcement  
25 duties assigned to that Department under provisions of the  
26 Public Aid Code after the individual has received advanced  
27 meaningful notification of what redisclosure is sought by the  
28 Secretary in accordance with the federal Privacy Act.

29 (i) (Blank).

30 (j) Medical statements or medical reports received in  
31 the Secretary of State's Office shall be confidential. No  
32 confidential information may be open to public inspection or  
33 the contents disclosed to anyone, except officers and  
34 employees of the Secretary who have a need to know the

1 information contained in the medical reports and the Driver  
2 License Medical Advisory Board, unless so directed by an  
3 order of a court of competent jurisdiction.

4 (k) All fees collected under this Section shall be paid  
5 into the Road Fund of the State Treasury, except that \$3 of  
6 the \$6 fee for a driver's record shall be paid into the  
7 Secretary of State Special Services Fund.

8 (l) (Blank).

9 (m) Notations of accident involvement that may be  
10 disclosed under this Section shall not include notations  
11 relating to damage to a vehicle or other property being  
12 transported by a tow truck. This information shall remain  
13 confidential, provided that nothing in this subsection (m)  
14 shall limit disclosure of any notification of accident  
15 involvement to any law enforcement agency or official.

16 (n) Requests made by the news media for driver's  
17 license, vehicle, or title registration information may be  
18 furnished without charge or at a reduced charge, as  
19 determined by the Secretary, when the specific purpose for  
20 requesting the documents is deemed to be in the public  
21 interest. Waiver or reduction of the fee is in the public  
22 interest if the principal purpose of the request is to access  
23 and disseminate information regarding the health, safety, and  
24 welfare or the legal rights of the general public and is not  
25 for the principal purpose of gaining a personal or commercial  
26 benefit. The information provided pursuant to this subsection  
27 shall not contain personally identifying information unless  
28 the information is to be used for one of the purposes  
29 identified in subsection (f-5) of this Section.

30 (o) The redisclosure of personally identifying  
31 information obtained pursuant to this Section is prohibited,  
32 except to the extent necessary to effectuate the purpose for  
33 which the original disclosure of the information was  
34 permitted.

1 (p) The Secretary of State is empowered to adopt rules  
2 to effectuate this Section.

3 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;  
4 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.  
5 7-11-02.)

6 Section 115. The Code of Civil Procedure is amended by  
7 changing Section 21-102 as follows:

8 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)  
9 Sec. 21-102. Petition.

10 (a) The petition shall set forth the name then held, the  
11 name sought to be assumed, the residence of the petitioner,  
12 the length of time the petitioner has resided in this State,  
13 and the state or country of the petitioner's nativity or  
14 supposed nativity. The petition shall be signed by the  
15 person petitioning or, in case of minors, by the parent or  
16 guardian having the legal custody of the minor. The petition  
17 shall be verified by the affidavit of some credible person.

18 (b) When the petition for a change of name alleges that  
19 the reason for the petition is to avoid domestic violence, as  
20 defined in Section 103 of the Illinois Domestic Violence Act  
21 of 1986, or stalking, as defined in Section 12-7.3 or 12-7.4  
22 of the Criminal Code of 1961, and the petitioner is a  
23 participant in the address confidentiality program created  
24 under the Victims of Stalking and Domestic Violence Address  
25 Confidentiality Act, the petition, the order of the court,  
26 and the notice of publication in Section 21-103 shall,  
27 instead of reciting the proposed name, indicate that the  
28 proposed name is confidential and will be on file with the  
29 Attorney General under the provisions of the address  
30 confidentiality program created under the Victims of Stalking  
31 and Domestic Violence Address Confidentiality Act.

32 (Source: P.A. 87-409.)".