

1 AN ACT in relation to victims of stalking and domestic
2 violence.

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

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

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

22 Section 10. Definitions. Unless the context clearly
23 requires otherwise, the definitions in this Section apply
24 throughout this Act:

25 "Address" means a residential street address, school
26 address, or work address of an individual, as specified on
27 the individual's application to be a program participant
28 under this Act.

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

30 "Domestic violence" means an act as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986.

2 "Stalking" means an act as defined in Section 12-7.3 or
3 12-7.4 of the Criminal Code of 1961.

4 "Program participant" means a person certified as a
5 program participant under Section 20.

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

10 "Address confidentiality program manager" means the
11 person at the Office of the Attorney General responsible for
12 the administration of the address confidentiality program.

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

26 Section 20. Program participants.

27 (a) An adult person, a parent or legal guardian acting
28 on behalf of a minor, or a legal guardian acting on behalf of
29 a person under legal disability may apply to the Attorney
30 General to have an address certified by the Attorney General
31 serve as the person's address or the address of the minor or
32 the person under legal disability. An application shall be

1 completed in person at a designated community-based victims'
2 assistance program.

3 The application process shall include a requirement that
4 the applicant meet with a victims' assistance counselor and
5 receive orientation information about the program. The
6 Attorney General shall approve an application if it is filed
7 in the manner and on the form prescribed by the Attorney
8 General and if it contains all of the following:

9 (1) A sworn statement by the applicant, and
10 witnessed by an appointed representative of any agency
11 designated in writing under Section 60 of this Act, that
12 the applicant has good reason to believe both of the
13 following:

14 (A) that the applicant, or the minor or
15 incapacitated person on whose behalf the application
16 is made, is a victim of domestic violence or
17 stalking; and

18 (B) that the applicant fears for his or her
19 safety or his or her children's safety, or the
20 safety of the minor or incapacitated person on whose
21 behalf the application is made.

22 (2) If the applicant alleges that the basis for the
23 application is that the applicant, or the minor or person
24 under legal disability on whose behalf the application is
25 made, is a victim of domestic violence, the application
26 shall be accompanied by at least 2 pieces of evidence
27 including, but not limited to, any of the following:

28 (A) police, court, or other government agency
29 reports, orders, or files; or

30 (B) any other evidence supporting the sworn
31 statements that provides the basis for the claim or
32 physical evidence of the act or acts of domestic
33 violence or stalking from:

34 (i) a domestic violence program if the

1 person is alleged to be a victim of domestic
2 violence;

3 (ii) a legal, medical, or the other
4 professional from whom the applicant or person
5 on whose behalf the application is made has
6 sought assistance in dealing with the alleged
7 domestic violence or stalking; or

8 (iii) any individual with knowledge of
9 the circumstances that provides the basis for
10 the claim, or physical evidence of the act or
11 acts of domestic violence or stalking.

12 (3) A designation of a representative of any agency
13 designated in writing under Section 60 of this Act as an
14 agent for purposes of service of process and for the
15 purpose of receipt of mail.

16 (4) The mailing addresses where the applicant and
17 agent can be contacted by the Attorney General and the
18 phone number or numbers where the applicant can be called
19 by the Attorney General.

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

23 (6) The signature of the applicant and of any
24 individual or representative of any office designated in
25 writing under Section 60 who assisted in the preparation
26 of the application and the date on which the applicant
27 signed the application.

28 (7) Proof of a legal change of name, as
29 appropriate.

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

32 (c) The Attorney General shall certify the applicant as
33 a program participant upon the filing of a properly completed
34 application. Applicants shall be certified for one year

1 following the date of filing unless the certification is
2 withdrawn or invalidated before that date. The Attorney
3 General shall by rule establish a renewal procedure.

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

14 Section 25. Agent; service.

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

18 (b) If a summons, writ, notice, demand, or process is
19 served on the agent, the agent shall immediately cause a copy
20 to be forwarded to the program participant at the address
21 shown on the records of the address confidentiality program
22 so that the summons, writ, notice, demand, or process is
23 received by the program participant within 3 days of the
24 agent having received it.

25 (c) The agent shall keep a record of all summonses,
26 writs, notices, demands, and processes served upon the agent
27 under this Section and shall record the time of that service.
28 The agent shall forward documentation indicating that this
29 information is on file at the agency to the Attorney General.

30 (d) The Office of the Attorney General, any agent or
31 person employed by the Attorney General, and any agent shall
32 be held harmless from any liability in any action brought by
33 any person injured or harmed as a result of the handling of

1 first-class mail on behalf of program participants.

2 Section 30. Name changes of program participants;
3 confidential. The Attorney General and agent shall keep
4 confidential name changes of program participants obtained
5 pursuant to subsection (b) of Section 21-102 of the Code of
6 Civil Procedure. The Attorney General and agent shall have
7 the same responsibilities and obligations to program
8 participants who have obtained a name change as to any other
9 program participant under this Act.

10 Section 35. Termination of program participant's
11 certification.

12 (a) The address confidentiality program manager may
13 terminate a program participant's certification and
14 invalidate his or her authorization card for any of the
15 following reasons:

16 (1) The program participant's certification term
17 has expired and certification renewal has not been
18 completed.

19 (2) The address confidentiality program manager has
20 determined that false information was used in the
21 application process or that participation in the program
22 is being used as a subterfuge to avoid detection of
23 illegal or criminal activity or apprehension by law
24 enforcement.

25 (3) The program participant no longer resides at
26 the residential address listed on the application, and
27 has not provided at least 10 days' prior notice in
28 writing of a change in address.

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

32 (5) The program participant obtains a legal name

1 change and fails to notify the Attorney General within 10
2 days.

3 (b) If termination is a result of paragraph (1), (3),
4 (4), or (5) of subsection (a), the address confidentiality
5 program manager shall send written notification of the
6 intended termination to the program participant. The program
7 participant shall have 5 business days in which to appeal the
8 termination under procedures developed by the Attorney
9 General.

10 (c) The address confidentiality program manager shall
11 notify in writing the county clerk or board of election
12 commissioners and authorized personnel of the appropriate
13 county clerk's or board of election commissioners' office,
14 county recorder's office, the local department of public
15 health, and any schools attended by the program participant
16 or his or her children of the program participant's
17 certification withdrawal or termination.

18 (d) Upon receipt of this termination notification, agent
19 shall transmit to the address confidentiality program manager
20 all appropriate administrative records pertaining to the
21 program participant and shall no longer be responsible for
22 maintaining the confidentiality of a terminated program
23 participant's record.

24 (e) Following termination of program participant
25 certification as a result of subsection (a), the address
26 confidentiality program manager may disclose information
27 contained in the participant's application.

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

32 Section 40. Withdrawal from program participation.

33 (a) A program participant may withdraw from program

1 participation by submitting to the address confidentiality
2 program manager written notification of withdrawal and his or
3 her current identification card. Certification shall be
4 terminated on the date of receipt of this notification.

5 Section 45. Designated address.

6 (a) A program participant may request that State and
7 local agencies use the address designated by the Attorney
8 General as his or her address. When creating a public record,
9 State and local agencies shall accept the address designated
10 by the Attorney General as a program participant's substitute
11 address, unless the Attorney General has determined both of
12 the following:

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

16 (2) This address will be used only for those
17 statutory and administrative purposes and may not be
18 publicly disseminated.

19 (b) A program participant may request that State and
20 local agencies use the address designated by the Attorney
21 General as his or her address. When modifying or maintaining
22 a public record, excluding the record of any birth, fetal
23 death, death, or marriage registered under the Vital Records
24 Act, State and local agencies shall accept the address
25 designated by the Attorney General as a program participant's
26 substitute address, unless the Attorney General has
27 determined both of the following:

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

31 (2) This address will be used only for those
32 statutory and administrative purposes and may not be
33 publicly disseminated.

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

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

7 (e) Notwithstanding subsections (a) and (b), program
8 participants shall comply with the provisions specified in
9 Section 6-117 of the Illinois Vehicle Code if requesting
10 suppression of the records maintained by the Secretary of
11 State under the Illinois Vehicle Code. Program participants
12 shall also comply with all other provisions of the Illinois
13 Vehicle Code relating to providing current address
14 information to the Secretary of State.

15 Section 50. Confidential voting. A program participant
16 who is otherwise qualified to vote may seek to register and
17 vote in a confidential manner under Section 4-34, 5-44, or
18 6-81 of the Election Code.

19 Section 55. Confidential records. Neither the Attorney
20 General nor agent may make a program participant's address,
21 other than the address designated by the Attorney General, or
22 a program participant's name change available for inspection
23 or copying, except under any of the following circumstances:

24 (1) If requested by a law enforcement agency, to the law
25 enforcement agency.

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

28 (3) If certification has been canceled.

29 Section 60. Assistance from other agencies. The
30 Attorney General shall designate State and local agencies and
31 nonprofit agencies that provide counseling and shelter

1 services to victims of domestic violence or stalking to
2 assist persons applying to be program participants. Any
3 assistance and counseling rendered by the Office of the
4 Attorney General or its designees to applicants shall in no
5 way be construed as legal advice.

6 Section 65. Rules. The Attorney General may adopt rules
7 to facilitate the administration of this Act by State and
8 local agencies.

9 Section 70. Report to the General Assembly.

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

17 (b) The Attorney General shall commence accepting
18 applications and other activities under this program on July
19 1, 2004.

20 (c) The Attorney General shall submit a report to the
21 General Assembly by January 1, 2010 that includes the total
22 number of pieces of mail forwarded to program participants,
23 the number of program participants during the program's
24 duration, the number of program participants who obtained a
25 confidential name change under subsection (b) of Section
26 21-102 of the Code of Civil Procedure, the average length of
27 time a participant remains in the program, and the targeted
28 Act changes needed to improve the program's efficiency and
29 cost-effectiveness.

30 Section 75. Repeal. This Act is repealed on January 1,
31 2014.

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

3 (10 ILCS 5/4-34 new)

4 Sec. 4-34. Confidential registration.

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

15 (b) Any person granted confidentiality under subsection
16 (a) shall:

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

25 (2) In addition to the required residence address,
26 provide a valid mailing address to be used in place of
27 the residence address for election purposes. The county
28 clerk, in producing any list, roster, or index may, at
29 his or her choice, use the valid mailing address or the
30 word "confidential" or some similar designation in place
31 of the residence address.

32 (c) No action in negligence may be maintained against
33 any government entity or officer or employee of a government

1 entity as a result of disclosure of the information that is
2 the subject of this Section unless by a showing of gross
3 negligence or willfulness.

4 (d) Subsections (a) and (b) do not apply to any person
5 granted confidentiality upon receipt by the county clerk of a
6 written notice by the address confidentiality program manager
7 of the withdrawal, invalidation, expiration, or termination
8 of the program participant's certification.

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

10 (10 ILCS 5/5-44 new)

11 Sec. 5-44. Confidential registration.

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

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

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

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

1 The county clerk, in producing any list, roster, or index
2 may, at his or her choice, use the valid mailing address or
3 the word "confidential" or some similar designation in place
4 of the residence address.

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

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

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

16 (10 ILCS 5/6-81 new)

17 Sec. 6-81. Confidential registration.

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

28 (b) Any person granted confidentiality under subsection
29 (a) shall:

30 (1) Be considered an absent voter for all
31 subsequent elections or until the Board of Election
32 Commissioners is notified otherwise by the Attorney
33 General or in writing by the voter. A voter requesting

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

5 (2) In addition to the required residence address,
 6 provide a valid mailing address to be used in place of
 7 the residence address for election purposes. The Board of
 8 Election Commissioners, in producing any list, roster, or
 9 index may, at his or her choice, use the valid mailing
 10 address or the word "confidential" or some similar
 11 designation in place of the residence address.

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

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

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

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

25 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)
 26 Sec. 2-123. Sale and Distribution of Information.

27 (a) Except as otherwise provided in this Section, the
 28 Secretary may make the driver's license, vehicle and title
 29 registration lists, in part or in whole, and any statistical
 30 information derived from these lists available to local
 31 governments, elected state officials, state educational
 32 institutions, and all other governmental units of the State

1 and Federal Government requesting them for governmental
2 purposes. The Secretary shall require any such applicant for
3 services to pay for the costs of furnishing such services and
4 the use of the equipment involved, and in addition is
5 empowered to establish prices and charges for the services so
6 furnished and for the use of the electronic equipment
7 utilized.

8 (b) The Secretary is further empowered to and he may, in
9 his discretion, furnish to any applicant, other than listed
10 in subsection (a) of this Section, vehicle or driver data on
11 a computer tape, disk, other electronic format or computer
12 processable medium, or printout at a fixed fee of \$250 in
13 advance and require in addition a further sufficient deposit
14 based upon the Secretary of State's estimate of the total
15 cost of the information requested and a charge of \$25 per
16 1,000 units or part thereof identified or the actual cost,
17 whichever is greater. The Secretary is authorized to refund
18 any difference between the additional deposit and the actual
19 cost of the request. This service shall not be in lieu of an
20 abstract of a driver's record nor of a title or registration
21 search. This service may be limited to entities purchasing a
22 minimum number of records as required by administrative rule.
23 The information sold pursuant to this subsection shall be the
24 entire vehicle or driver data list, or part thereof. The
25 information sold pursuant to this subsection shall not
26 contain personally identifying information unless the
27 information is to be used for one of the purposes identified
28 in subsection (f-5) of this Section. Commercial purchasers
29 of driver and vehicle record databases shall enter into a
30 written agreement with the Secretary of State that includes
31 disclosure of the commercial use of the information to be
32 purchased.

33 (c) Secretary of State may issue registration lists.
34 The Secretary of State shall compile and publish, at least

1 annually, a list of all registered vehicles. Each list of
2 registered vehicles shall be arranged serially according to
3 the registration numbers assigned to registered vehicles and
4 shall contain in addition the names and addresses of
5 registered owners and a brief description of each vehicle
6 including the serial or other identifying number thereof.
7 Such compilation may be in such form as in the discretion of
8 the Secretary of State may seem best for the purposes
9 intended.

10 (d) The Secretary of State shall furnish no more than 2
11 current available lists of such registrations to the sheriffs
12 of all counties and to the chiefs of police of all cities and
13 villages and towns of 2,000 population and over in this State
14 at no cost. Additional copies may be purchased by the
15 sheriffs or chiefs of police at the fee of \$500 each or at
16 the cost of producing the list as determined by the Secretary
17 of State. Such lists are to be used for governmental
18 purposes only.

19 (e) (Blank).

20 (e-1) (Blank).

21 (f) The Secretary of State shall make a title or
22 registration search of the records of his office and a
23 written report on the same for any person, upon written
24 application of such person, accompanied by a fee of \$5 for
25 each registration or title search. The written application
26 shall set forth the intended use of the requested
27 information. No fee shall be charged for a title or
28 registration search, or for the certification thereof
29 requested by a government agency. The report of the title or
30 registration search shall not contain personally identifying
31 information unless the request for a search was made for one
32 of the purposes identified in subsection (f-5) of this
33 Section.

34 The Secretary of State shall certify a title or

1 registration record upon written request. The fee for
2 certification shall be \$5 in addition to the fee required for
3 a title or registration search. Certification shall be made
4 under the signature of the Secretary of State and shall be
5 authenticated by Seal of the Secretary of State.

6 The Secretary of State may notify the vehicle owner or
7 registrant of the request for purchase of his title or
8 registration information as the Secretary deems appropriate.

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

24 Any misrepresentation made by a requestor of title or
25 vehicle information shall be punishable as a petty offense,
26 except in the case of persons licensed as a private detective
27 or firms licensed as a private detective agency which shall
28 be subject to disciplinary sanctions under Section 22 or 25
29 of the Private Detective, Private Alarm, and Private Security
30 Act of 1983.

31 (f-5) The Secretary of State shall not disclose or
32 otherwise make available to any person or entity any
33 personally identifying information obtained by the Secretary
34 of State in connection with a driver's license, vehicle, or

1 title registration record unless the information is disclosed
2 for one of the following purposes:

3 (1) For use by any government agency, including any
4 court or law enforcement agency, in carrying out its
5 functions, or any private person or entity acting on
6 behalf of a federal, State, or local agency in carrying
7 out its functions.

8 (2) For use in connection with matters of motor
9 vehicle or driver safety and theft; motor vehicle
10 emissions; motor vehicle product alterations, recalls, or
11 advisories; performance monitoring of motor vehicles,
12 motor vehicle parts, and dealers; and removal of
13 non-owner records from the original owner records of
14 motor vehicle manufacturers.

15 (3) For use in the normal course of business by a
16 legitimate business or its agents, employees, or
17 contractors, but only:

18 (A) to verify the accuracy of personal
19 information submitted by an individual to the
20 business or its agents, employees, or contractors;
21 and

22 (B) if such information as so submitted is not
23 correct or is no longer correct, to obtain the
24 correct information, but only for the purposes of
25 preventing fraud by, pursuing legal remedies
26 against, or recovering on a debt or security
27 interest against, the individual.

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

32 (5) For use in connection with any civil, criminal,
33 administrative, or arbitral proceeding in any federal,
34 State, or local court or agency or before any

1 self-regulatory body, including the service of process,
2 investigation in anticipation of litigation, and the
3 execution or enforcement of judgments and orders, or
4 pursuant to an order of a federal, State, or local court.

5 (6) For use by any insurer or insurance support
6 organization or by a self-insured entity or its agents,
7 employees, or contractors in connection with claims
8 investigation activities, antifraud activities, rating,
9 or underwriting.

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

12 (8) For use by any private investigative agency or
13 security service licensed in Illinois for any purpose
14 permitted under this subsection.

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

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

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

24 (12) For use by members of the news media, as
25 defined in Section 1-148.5, for the purpose of
26 newsgathering when the request relates to the operation
27 of a motor vehicle or public safety.

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

31 (f-6) Notwithstanding the provisions of subsection
32 (f-5), any residence address obtained by the Secretary of
33 State in connection with a driver's license, vehicle, or
34 title registration record is confidential and may not be

1 disclosed to any person, except:

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

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

16 (3) An insurance company licensed to do business in
17 this State when the company, under penalty of perjury,
18 requests the information for the purpose of obtaining the
19 address of another motorist or vehicle owner involved in
20 an accident with the company's insured or requests the
21 information on an individual who has signed a written
22 waiver of this subsection (f-6) or the individuals
23 insured under a policy if a named insured of that policy
24 has signed a written waiver.

25 (4) An attorney when the attorney states, under
26 penalty of perjury, that the motor vehicle registered
27 owner or driver residential address information is
28 necessary in order to represent his or her client in a
29 criminal or civil action which directly involves the use
30 of the motor vehicle or vessel that is pending, is to be
31 filed, or is being investigated. Information requested
32 under this clause (4) is subject to all of the following:

33 (A) The attorney shall state that the criminal
34 or civil action that is pending, is to be filed, or

1 is being investigated relates directly to the use of
2 that motor vehicle.

3 (B) The case number, if any, or the names of
4 expected parties to the extent they are known to the
5 attorney requesting the information, shall be listed
6 on the request.

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

11 (D) If no action is filed within a reasonable
12 time, the residence address information shall be
13 destroyed.

14 (E) An attorney may not request residence
15 address information under this clause (4) in order
16 to sell the information to any person.

17 (F) Within 10 days of receipt of a request,
18 the Secretary of State shall notify every individual
19 whose residence address has been requested under
20 this clause (4).

21 (5) A vehicle manufacturer licensed to do business in
22 this State if the manufacturer, or its agent, under penalty
23 of perjury, requests and uses the information only for the
24 purpose of safety, warranty, emission, or product recall if
25 the manufacturer offers to make and makes any changes at no
26 cost to the vehicle owner.

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

31 (7) A person who, under penalty of perjury, requests
32 and uses the information and makes a written assurance to the
33 Secretary of State that the information will be used solely
34 for statistical research or reporting purposes, but only if

1 the information to be disclosed is in a form that will not
2 identify any individual and if the request specifies that no
3 persons will be contacted by mail or otherwise at the address
4 included with the information released. The information
5 released by the Secretary of State under this clause (7) may
6 not be in a form that identifies any person. Residential
7 addresses released under this clause (7) may not be used for
8 direct marketing or solicitation for the purchase of any
9 consumer product or service.

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

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

19 Upon suppression of a record, each request for
20 information about that record shall be authorized by the
21 subject of the record or verified as legitimate by other
22 investigative means by the Secretary of State before the
23 information is released.

24 (g) 1. The Secretary of State may, upon receipt of a
25 written request and a fee of \$6, furnish to the person or
26 agency so requesting a driver's record. Such document
27 may include a record of: current driver's license
28 issuance information, except that the information on
29 judicial driving permits shall be available only as
30 otherwise provided by this Code; convictions; orders
31 entered revoking, suspending or canceling a driver's
32 license or privilege; and notations of accident
33 involvement. All other information, unless otherwise
34 permitted by this Code, shall remain confidential.

1 Information released pursuant to a request for a driver's
2 record shall not contain personally identifying
3 information, unless the request for the driver's record
4 was made for one of the purposes set forth in subsection
5 (f-5) of this Section.

6 2. The Secretary of State may certify an abstract
7 of a driver's record upon written request therefor.
8 Such certification shall be made under the signature of
9 the Secretary of State and shall be authenticated by the
10 Seal of his office.

11 3. All requests for driving record information
12 shall be made in a manner prescribed by the Secretary and
13 shall set forth the intended use of the requested
14 information.

15 The Secretary of State may notify the affected
16 driver of the request for purchase of his driver's record
17 as the Secretary deems appropriate.

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

34 Any misrepresentation made by a requestor of driver

1 information shall be punishable as a petty offense,
2 except in the case of persons licensed as a private
3 detective or firms licensed as a private detective agency
4 which shall be subject to disciplinary sanctions under
5 Section 22 or 25 of the Private Detective, Private Alarm,
6 and Private Security Act of 1983.

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

18 5. Except as otherwise provided in this Section,
19 the Secretary of State may furnish, without fee,
20 information from an individual driver's record on file,
21 if a written request therefor is submitted by any public
22 transit system or authority, public defender, law
23 enforcement agency, a state or federal agency, or an
24 Illinois local intergovernmental association, if the
25 request is for the purpose of a background check of
26 applicants for employment with the requesting agency, or
27 for the purpose of an official investigation conducted by
28 the agency, or to determine a current address for the
29 driver so public funds can be recovered or paid to the
30 driver, or for any other purpose set forth in subsection
31 (f-5) of this Section.

32 The Secretary may also furnish the courts a copy of
33 an abstract of a driver's record, without fee, subsequent
34 to an arrest for a violation of Section 11-501 or a

1 similar provision of a local ordinance. Such abstract
2 may include records of dispositions; documented
3 information involving the use of a motor vehicle as
4 contained in the current file; whether such individual
5 has, or previously had, a driver's license; and the
6 address and personal description as reflected on said
7 driver's record.

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

23 7. Subject to any restrictions contained in the
24 Juvenile Court Act of 1987, and upon receipt of a proper
25 request and a fee of \$6, the Secretary of State shall
26 provide a driver's record to the affected driver, or the
27 affected driver's attorney, upon verification. Such
28 record shall contain all the information referred to in
29 paragraph 1 of this subsection (g) plus: any recorded
30 accident involvement as a driver; information recorded
31 pursuant to subsection (e) of Section 6-117 and paragraph
32 (4) of subsection (a) of Section 6-204 of this Code. All
33 other information, unless otherwise permitted by this
34 Code, shall remain confidential.

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

21 (i) (Blank).

22 (j) Medical statements or medical reports received in
23 the Secretary of State's Office shall be confidential. No
24 confidential information may be open to public inspection or
25 the contents disclosed to anyone, except officers and
26 employees of the Secretary who have a need to know the
27 information contained in the medical reports and the Driver
28 License Medical Advisory Board, unless so directed by an
29 order of a court of competent jurisdiction.

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

34 (l) (Blank).

1 (m) Notations of accident involvement that may be
2 disclosed under this Section shall not include notations
3 relating to damage to a vehicle or other property being
4 transported by a tow truck. This information shall remain
5 confidential, provided that nothing in this subsection (m)
6 shall limit disclosure of any notification of accident
7 involvement to any law enforcement agency or official.

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

22 (o) The redisclosure of personally identifying
23 information obtained pursuant to this Section is prohibited,
24 except to the extent necessary to effectuate the purpose for
25 which the original disclosure of the information was
26 permitted.

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

29 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
30 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
31 7-11-02.)

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

1 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)
2 Sec. 21-102. Petition.

3 (a) The petition shall set forth the name then held, the
4 name sought to be assumed, the residence of the petitioner,
5 the length of time the petitioner has resided in this State,
6 and the state or country of the petitioner's nativity or
7 supposed nativity. The petition shall be signed by the
8 person petitioning or, in case of minors, by the parent or
9 guardian having the legal custody of the minor. The petition
10 shall be verified by the affidavit of some credible person.

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

25 (Source: P.A. 87-409.)