

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Section 10-3.3 as follows:

(305 ILCS 5/10-3.3)

Sec. 10-3.3. Locating support obligor and others;
penalties.

(a) Upon request by the Child and Spouse Support Unit, employers, labor unions, cellular telephone companies, and telephone companies shall provide location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this Section, "location information" means information about (i) the physical whereabouts, including, but not limited to, the home address, home telephone number, cellular telephone number, and e-mail address of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the

putative father or noncustodial parent is a member. As used in this Section, "cellular telephone company" includes a cellular telephone or wireless carrier or provider, but does not include a pre-paid wireless carrier or provider. As used in this Section, "physical whereabouts" does not include real time or historical location tracking information.

An employer, labor union, cellular telephone company, or telephone company shall respond to the request of the Child and Spouse Support Unit within 15 days after receiving the request. Any employer, labor union, cellular telephone company, or telephone company that willfully fails to fully respond within the 15-day period shall be subject to a penalty of \$100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action, which may be brought against the employer, labor union, cellular telephone company, or telephone company in favor of the Illinois Department.

(b) Upon being served with an administrative subpoena as authorized under this Code, a utility company or cable television company must provide location information to the Child and Spouse Support Unit for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation.

(c) Notwithstanding the provisions of any other State or local law to the contrary, an employer, labor union, cellular telephone company, telephone company, utility company, or

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cable television company shall not be liable to any person for disclosure of location information under the requirements of this Section, except for willful and wanton misconduct.

(Source: P.A. 93-116, eff. 7-10-03.)