

AN ACT concerning business.

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by renumbering and changing Section 2MMM as added by Public Act 97-1056 as follows:

(815 ILCS 505/2PPP)

Sec. 2PPP ~~2MMM~~. Internet dating, child care, senior care, and home care safety. It is an unlawful practice under this Act for an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service to fail to provide notice or falsely indicate that it has performed criminal background screenings in accordance with the Internet Dating, Internet Child Care, Internet Senior Care, and Internet Home Care Safety Act.

(Source: P.A. 97-1056, eff. 8-24-12; revised 1-24-13.)

Section 10. The Internet Dating Safety Act is amended by changing Sections 1, 2, 5, 10, 15, and 20 and by adding Section 7 as follows:

(815 ILCS 518/1)

Sec. 1. Short title. This Act may be cited as the Internet

Dating, Internet Child Care, Internet Senior Care, and Internet Home Care Safety Act.

(Source: P.A. 97-1056, eff. 8-24-12.)

(815 ILCS 518/2)

Sec. 2. Findings, declarations. The Legislature finds and declares that residents of this State need to be informed of the potential risks of participating in Internet dating services, Internet child care services, Internet senior care services, and Internet home care services. There is a public safety need to disclose whether criminal history background screenings have been performed and to increase public awareness of the possible risks associated with Internet dating, Internet child care, Internet senior care, and Internet home care activities. The primary purpose of this Act is to enhance the safety of individuals who use an Internet service to facilitate dating, child care, senior care, or home care.

The offer of Internet dating services, child care services, senior care services, and home care services to residents of this State, and the acceptance of membership fees from residents of this State means that an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service is conducting business in this State and is subject to regulation by this State and the jurisdiction of the State's courts.

(Source: P.A. 97-1056, eff. 8-24-12.)

(815 ILCS 518/5)

Sec. 5. Definitions. As used in this Act:

"Criminal background screening" means a name search for a person's criminal convictions initiated by an Internet ~~on-line~~ dating service provider, an Internet child care service provider, an Internet senior care service provider, or an Internet home care provider and conducted by:

(1) searching available and regularly updated government public record databases for criminal convictions so long as such databases, in the aggregate, provide substantial national coverage; or

(2) searching a database maintained by a private vendor that is regularly updated and is maintained in the United States with substantial national coverage of criminal history records and sexual offender registries.

"Internet dating service" means a person or entity in the business, for a fee, of providing dating, romantic relationship, or matrimonial services principally on or through the Internet.

"Internet child care service" means a person or entity, in the business, for a fee, of providing access to a database, principally on or through the Internet, of seekers and providers of child care services.

"Internet senior care service" means a person or entity in the business, for a fee, of providing access to a database,

principally on or through the Internet, of seekers and providers of senior care services.

"Internet home care service" means a person or entity in the business, for a fee, of providing access to a database, principally on or through the Internet, of seekers and providers of domestic home care services including, dog walkers, pet sitters, housekeepers, house cleaners, house sitters, and tutors.

"Member" means a customer, client, or participant who submits to an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service information required to access the service for the purpose of engaging in dating, relationship, compatibility, matrimonial, or social, child care, senior care, or home care referral.

"Illinois member" means a member who provides an Illinois billing address or zip code when registering with the service.

"Criminal conviction" means a conviction for any crime including but not limited to any sex offense that would qualify the offender for registration pursuant to the Sex Offender Registration Act or under another jurisdiction's equivalent statute.

(Source: P.A. 97-1056, eff. 8-24-12.)

(815 ILCS 518/7 new)

Sec. 7. Exceptions. This Act does not apply to:

- (1) an individual who is considered an "employee" as defined in the Health Care Worker Background Check Act; or
- (2) an individual or service provider who is considered a "health care employer" as defined in the Health Care Worker Background Check Act.

(815 ILCS 518/10)

Sec. 10. Requirements for Internet dating services, Internet child care services, Internet senior care services, and Internet home care services.

(a) An Internet dating service, Internet child care service, Internet senior care service, or Internet home care service offering services to Illinois members shall provide a safety awareness notification to all Illinois members that includes, at a minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating, child care, senior care, and home care practices as determined by the service.

Examples of such notifications include, but are not limited to:

- (1) "Anyone who is able to commit identity theft can also falsify a dating profile, a child care profile, a senior care profile, or a home care profile."
- (2) "There is no substitute for acting with caution when communicating with any stranger who wants to meet you."

(3) "Never include your last name, e-mail address, home address, phone number, place of work, or any other identifying information in your Internet profile or initial e-mail messages. Stop communicating with anyone who pressures you for personal or financial information or attempts in any way to trick you into revealing it."

(4) "If you choose to have a face-to-face meeting with another member, always tell someone in your family or a friend where you are going and when you will return. Never agree to be picked up at your home. Always provide your own transportation to and from your date and meet in a public place with many people around."

(b) If an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service does not conduct criminal background screenings on its members, the service shall disclose, clearly and conspicuously, to all Illinois members that the Internet dating service does not conduct criminal background screenings. The disclosure shall be provided in two or more of the following forms: when an electronic mail message is sent or received by an Illinois member, in a "click-through" or other similar presentation requiring a member from this State to acknowledge that they have received the information required by this Act, on the profile describing a member to an Illinois member, and on the website pages or homepage of the Internet dating service, Internet child care service, Internet senior care

service, or Internet home care service used when an Illinois member signs up. A disclosure under this subsection shall be in bold, capital letters in at least 12-point type.

(c) If an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service conducts criminal background screenings on all of its communicating members, then the service shall disclose, clearly and conspicuously, to all Illinois members that the Internet dating service, Internet child care service, Internet senior care service, or Internet home care service conducts a criminal background screening on each member prior to permitting an Illinois member to communicate with another member. The disclosure shall be provided on the website pages used when an Illinois member signs up. A disclosure under this subsection shall be in bold, capital letters in at least 12-point type.

(d) If an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service conducts criminal background screenings, then the service shall disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any Illinois member; shall state that criminal background screenings are not foolproof; that they may give members a false sense of security; that they are not a perfect safety solution; that criminals may circumvent even the most sophisticated search

technology; that not all criminal records are public in all states and not all databases are up to date; that only publicly available convictions are included in the screening; and that screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

(Source: P.A. 97-1056, eff. 8-24-12.)

(815 ILCS 518/15)

Sec. 15. Unlawful practices for Internet dating services, Internet child care services, Internet senior care services, and Internet home care services. It is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act for an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service to fail to provide notice or falsely indicate that it has performed criminal background screenings in accordance with this Act.

(Source: P.A. 97-1056, eff. 8-24-12.)

(815 ILCS 518/20)

Sec. 20. No violation to serve as intermediary. An Internet service provider or website hosting service does not violate this Act as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service, Internet child care service, Internet senior care service, or Internet home care service.

Public Act 098-0458

HB2934 Enrolled

LRB098 04295 JLS 34322 b

(Source: P.A. 97-1056, eff. 8-24-12.)

Section 99. Effective date. This Act takes effect upon becoming law.