



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2812

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-3.3

Amends the Illinois Public Aid Code. Adds cellular telephone companies to the list of persons and entities that are required to provide, upon request by the Child and Spouse Support Unit, 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. Provides that a cellular telephone company shall respond to a request for location information within 15 days after receiving the request or be subject to a specified penalty. Provides that a cellular telephone company shall not be liable to any person for disclosure of location information as required, except for willful and wanton misconduct. Defines "cellular telephone company". Makes changes to the definition of "location information".

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

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

6 (305 ILCS 5/10-3.3)

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

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

1 putative father or noncustodial parent is a member. As used in
2 this Section, "cellular telephone company" includes a cellular
3 telephone or wireless carrier or provider.

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

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

21 (c) Notwithstanding the provisions of any other State or
22 local law to the contrary, an employer, labor union, cellular
23 telephone company, telephone company, utility company, or
24 cable television company shall not be liable to any person for
25 disclosure of location information under the requirements of
26 this Section, except for willful and wanton misconduct.

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