



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 575

2 AMENDMENT NO. _____. Amend Senate Bill 575 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Keep
5 Internet Devices Safe Act.

6 Section 5. Legislative findings; intent. The General
7 Assembly finds the following:

8 (a) An increasing number of everyday household devices,
9 such as smartphones, televisions, cars, toys, and home
10 appliances, are being enhanced by speech recognition and other
11 technologies that use microphones to listen for environmental
12 triggers. As a result, private companies are gaining
13 unprecedented and near constant access to Illinois citizens and
14 their families' private lives, including what they do in their
15 homes and their daily habits.

16 (b) While there are tremendous benefits from these

1 technologies, the collection of personal information from
2 Internet connected devices pose serious privacy and physical
3 safety risks to Illinois citizens and children. Children's toys
4 now have microphones that can record and collect personal
5 information from conversations within earshot of the device.

6 (c) The increasing prevalence of these technologies in
7 everyday devices enables companies to collect, store, analyze,
8 and share increasing amounts of personal data, often without
9 Illinois families ever knowing. Illinois citizens have a right
10 to their personal data and the public welfare, security, and
11 safety will be served by requiring companies to be transparent
12 about their data collection and sharing practices.

13 (d) It is the public policy of the State of Illinois to
14 ensure that Illinois citizens be aware of and have control over
15 whether a private entity records, collects, stores, or
16 discloses their personal information and to ensure that their
17 personal information is maintained in a secure manner.

18 Section 10. Definitions. In this Act:

19 "Digital device" means a smartphone, tablet, television,
20 computer, car, toy, home appliance, or any other device that
21 may be used for personal, family, or household purposes that
22 contains a microphone.

23 "Microphone" means an instrument capable of listening for,
24 collecting, recording, storing, analyzing, transmitting,
25 interpreting, or otherwise using spoken words or other audible

1 or inaudible sounds.

2 "Private entity" means any partnership, corporation,
3 limited liability company, association, organization or other
4 group, regardless of organizational structure, or any agent
5 thereof. "Private entity" does not include a state or local
6 government agency.

7 "Minor" means a person who is between the ages of 13 and 17
8 years old.

9 "User" means a person who purchases, leases, or otherwise
10 uses a digital device.

11 "Verifiable parental consent" means any reasonable effort
12 (taking into consideration available technology), including a
13 request for authorization for future collection, use, and
14 disclosure described in the notice, to ensure that a parent of
15 a minor receives notice of the private entity's personal
16 information collection, use, and disclosure practices, and
17 authorizes the collection, use, and disclosure, as applicable,
18 of personal information and the subsequent use of that
19 information before that information is collected from that
20 minor.

21 Section 15. Collection, use, storage, or disclosure of
22 information from a digital device's microphone.

23 (a) No private entity may turn on or enable, cause to be
24 turned on or enabled, or otherwise use a digital device's
25 microphone to listen for or collect information, including

1 spoken words or other audible or inaudible sounds, unless a
2 user first agrees to a written policy, made available to the
3 public, informing the user:

4 (1) that the microphone in his or her digital device
5 will be turned on, enabled, or used;

6 (2) of the frequency and length of time the microphone
7 will be turned on, enabled, or used;

8 (3) of the specific categories of information, such as
9 spoken words or audible or inaudible sounds, the microphone
10 will be listening for, collecting, storing, and
11 disclosing; and

12 (4) of the specific purpose for which the information
13 will be collected, used, stored, and disclosed.

14 (b) In addition to any other requirement under this
15 Section, no private entity may turn on or enable, cause to be
16 turned on or enabled, or otherwise use a digital device's
17 microphone to knowingly listen for or collect information about
18 a minor, including spoken words or other audible or inaudible
19 sounds, unless the private entity first obtains verifiable
20 parental consent.

21 (c) A private entity need not obtain a user's affirmative
22 express consent after initial consent as described in
23 subsection (a) has been properly obtained, unless the terms
24 previously agreed to under paragraph (1), (2), (3), or (4) of
25 subsection (a) are materially changed.

1 Section 20. Security measures.

2 (a) A private entity that collects, stores, or transmits
3 any information collected through a digital device's
4 microphone concerning an Illinois resident shall implement and
5 maintain reasonable security measures to protect those records
6 from unauthorized access, acquisition, destruction, use,
7 modification, and disclosure.

8 (b) A contract for the disclosure of information collected
9 through a digital device's microphone concerning an Illinois
10 resident that is maintained by a private entity subject to this
11 Act must include a provision requiring the person or private
12 entity to whom the information is disclosed to implement and
13 maintain reasonable security measures to protect those records
14 from unauthorized access, acquisition, destruction, use,
15 modification, or disclosure.

16 Section 25. Unlawful practice. A violation of this Act
17 constitutes an unlawful practice under the Consumer Fraud and
18 Deceptive Business Practices Act.

19 Section 30. General provisions.

20 (a) Any waiver of the provisions of this Act is void and
21 unenforceable.

22 (b) Any agreement created or modified after the effective
23 date of this Act that does not comply with this Act is void and
24 unenforceable.

1 Section 35. The Consumer Fraud and Deceptive Business
2 Practices Act is amended by changing Section 2Z as follows:

3 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

4 Sec. 2Z. Violations of other Acts. Any person who knowingly
5 violates the Automotive Repair Act, the Automotive Collision
6 Repair Act, the Home Repair and Remodeling Act, the Dance
7 Studio Act, the Physical Fitness Services Act, the Hearing
8 Instrument Consumer Protection Act, the Illinois Union Label
9 Act, the Installment Sales Contract Act, the Job Referral and
10 Job Listing Services Consumer Protection Act, the Travel
11 Promotion Consumer Protection Act, the Credit Services
12 Organizations Act, the Automatic Telephone Dialers Act, the
13 Pay-Per-Call Services Consumer Protection Act, the Telephone
14 Solicitations Act, the Illinois Funeral or Burial Funds Act,
15 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
16 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the
17 High Risk Home Loan Act, the Payday Loan Reform Act, the
18 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
19 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
20 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
21 Internet Caller Identification Act, paragraph (6) of
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
23 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
24 or 18d-153 of the Illinois Vehicle Code, Article 3 of the

1 Residential Real Property Disclosure Act, the Automatic
2 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
3 the Youth Mental Health Protection Act, the Personal
4 Information Protection Act, ~~or~~ the Student Online Personal
5 Protection Act, or the Keep Internet Devices Safe Act commits
6 an unlawful practice within the meaning of this Act.

7 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
8 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
9 revised 10-6-17.)".