



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4525

Introduced 2/5/2020, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

15 ILCS 335/11

from Ch. 124, par. 31

625 ILCS 5/6-110.1

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State shall not provide facial recognition search services or photographs obtained in the process of issuing an identification card or driver's license to any federal, State, or local law enforcement agency or other governmental entity making the request for the purpose of enforcing laws.

LRB101 16745 LNS 66135 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 11 as follows:

6 (15 ILCS 335/11) (from Ch. 124, par. 31)

7 Sec. 11. Records.

8 (a) The Secretary may make a search of his records and
9 furnish information as to whether a person has a current
10 Standard Illinois Identification Card or an Illinois Person
11 with a Disability Identification Card then on file, upon
12 receipt of a written application therefor accompanied with the
13 prescribed fee. However, the Secretary may not disclose medical
14 information concerning an individual to any person, public
15 agency, private agency, corporation or governmental body
16 unless the individual has submitted a written request for the
17 information or unless the individual has given prior written
18 consent for the release of the information to a specific person
19 or entity. This exception shall not apply to: (1) offices and
20 employees of the Secretary who have a need to know the medical
21 information in performance of their official duties, or (2)
22 orders of a court of competent jurisdiction. When medical
23 information is disclosed by the Secretary in accordance with

1 the provisions of this Section, no liability shall rest with
2 the Office of the Secretary of State as the information is
3 released for informational purposes only.

4 (b) Except as otherwise provided in this Section, the ~~The~~
5 Secretary may release personally identifying information only
6 to:

7 (1) officers and employees of the Secretary who have a
8 need to know that information for issuance of driver's
9 licenses, permits, or identification cards and
10 investigation of fraud or misconduct;

11 (2) other governmental agencies for use in their
12 official governmental functions;

13 (3) law enforcement agencies for a criminal or civil
14 investigation;

15 (3-5) the State Board of Elections as may be required
16 by an agreement the State Board of Elections has entered
17 into with a multi-state voter registration list
18 maintenance system; or

19 (4) any entity that the Secretary has authorized, by
20 rule.

21 (c) Except as otherwise provided in this Section, the ~~The~~
22 Secretary may release highly restricted personal information
23 only to:

24 (1) officers and employees of the Secretary who have a
25 need to access the information for the issuance of driver's
26 licenses, permits, or identification cards and

1 investigation of fraud or misconduct;

2 (2) law enforcement officials for a criminal or civil
3 law enforcement investigation;

4 (3) the State Board of Elections for the purpose of
5 providing the signature for completion of voter
6 registration; or

7 (4) any other entity the Secretary has authorized by
8 rule.

9 (c-5) The Secretary shall not provide facial recognition
10 search services or photographs obtained in the process of
11 issuing an identification card to any federal, State, or local
12 law enforcement agency or other governmental entity making the
13 request for the purpose of enforcing laws.

14 (d) Documents required to be submitted with an application
15 for an identification card to prove the applicant's identity
16 (name and date of birth), social security number, written
17 signature, residency, and, as applicable, proof of lawful
18 status shall be confidential and shall not be disclosed except
19 to the following persons:

20 (1) the individual to whom the identification card was
21 issued, upon written request;

22 (2) officers and employees of the Secretary of State
23 who have a need to have access to the stored images for
24 purposes of issuing and controlling driver's licenses,
25 permits, or identification cards and investigation of
26 fraud or misconduct;

1 (3) law enforcement officials for a civil or criminal
2 law enforcement investigation;

3 (4) other entities that the Secretary may authorize by
4 rule.

5 (e) The Secretary may not disclose an individual's social
6 security number or any associated information obtained from the
7 Social Security Administration without the written request or
8 consent of the individual except: (i) to officers and employees
9 of the Secretary who have a need to know the social security
10 number in the performance of their official duties; (ii) to law
11 enforcement officials for a civil or criminal law enforcement
12 investigation if an officer of the law enforcement agency has
13 made a written request to the Secretary specifying the law
14 enforcement investigation for which the social security number
15 is being sought; (iii) under a lawful court order signed by a
16 judge; (iv) to the Illinois Department of Veterans' Affairs for
17 the purpose of confirming veteran status to agencies in other
18 states responsible for the issuance of state identification
19 cards for participation in State-to-State verification
20 service; or (v) the last 4 digits to the Illinois State Board
21 of Elections for purposes of voter registration and as may be
22 required pursuant to an agreement for a multi-state voter
23 registration list maintenance system. The Secretary retains
24 the right to require additional verification regarding the
25 validity of a request from law enforcement. If social security
26 information is disclosed by the Secretary in accordance with

1 this Section, no liability shall rest with the Office of the
2 Secretary of State or any of its officers or employees, as the
3 information is released for official purposes only.

4 (Source: P.A. 101-326, eff. 8-9-19.)

5 Section 10. The Illinois Vehicle Code is amended by
6 changing Section 6-110.1 as follows:

7 (625 ILCS 5/6-110.1)

8 Sec. 6-110.1. Confidentiality of captured photographs or
9 images.

10 (a) The Secretary of State shall maintain a file on or
11 contract to file all photographs and signatures obtained in the
12 process of issuing a driver's license, permit, or
13 identification card. The photographs and signatures shall be
14 confidential and shall not be disclosed except to the following
15 persons:

16 (1) the individual upon written request;

17 (2) officers and employees of the Secretary of State
18 who have a need to have access to the stored images for
19 purposes of issuing and controlling driver's licenses,
20 permits, or identification cards and investigation of
21 fraud or misconduct;

22 (3) except as provided in subsection (b), law
23 enforcement officials for a civil or criminal law
24 enforcement investigation;

1 (3-5) the State Board of Elections for the sole purpose
2 of providing the signatures required by a local election
3 authority to register a voter through an online voter
4 registration system;

5 (3-10) officers and employees of the Secretary of State
6 who have a need to have access to the stored images for
7 purposes of issuing and controlling notary public
8 commissions and for the purpose of providing the signatures
9 required to process online applications for appointment
10 and commission as notaries public; or

11 (4) other entities that the Secretary may authorize by
12 rule.

13 (b) The Secretary shall not provide facial recognition
14 search services or photographs obtained in the process of
15 issuing a driver's license or permit to any federal, State, or
16 local law enforcement agency or other governmental entity
17 making the request for the purpose of enforcing laws.

18 (Source: P.A. 101-326, eff. 8-9-19.)