



Sen. Elgie R. Sims, Jr.

**Filed: 3/15/2019**

10100SB1599sam002

LRB101 10639 JLS 57809 a

1 AMENDMENT TO SENATE BILL 1599

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1599 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Sections 2QQQ and 11a as  
6 follows:

7 (815 ILCS 505/2QQQ)

8 Sec. 2QQQ. Criminal record information.

9 (a) It is an unlawful practice for any person engaged in  
10 publishing or otherwise disseminating criminal record  
11 information through a print or electronic medium to solicit or  
12 accept the payment of a fee or other consideration to remove,  
13 correct, or modify said criminal record information.

14 (b) For the purposes of this Section, "criminal record  
15 information" includes any and all of the following:

16 (1) descriptions or notations of any arrests, any

1 formal criminal charges, and the disposition of those  
2 criminal charges, including, but not limited to, any  
3 information made available under Section 4a of the State  
4 Records Act or Section 3b of the Local Records Act;

5 (2) photographs of the person taken pursuant to an  
6 arrest or other involvement in the criminal justice system;  
7 or

8 (3) personal identifying information, including a  
9 person's name, address, date of birth, photograph, and  
10 social security number or other government-issued  
11 identification number.

12 (c) A person or entity that publishes or otherwise  
13 disseminates for profit a person's criminal record information  
14 on a publicly available Internet website or in any other  
15 publication or criminal history report that charges a fee for  
16 removal or correction of the information must correct any  
17 errors in the individual's criminal history information within  
18 5 business days after notification of an error. Failure to  
19 correct an error in the individual's criminal record  
20 information constitutes an unlawful practice within the  
21 meaning of this Act.

22 (d) A person whose criminal record information is published  
23 for profit on a publicly available Internet website or in any  
24 other publication that charges a fee for removal or correction  
25 of the information may demand the publisher to correct the  
26 information if the subject of the information, or his or her

1 representative, sends a letter, via certified mail, to the  
2 publishing entity demanding the information be corrected and  
3 providing documentation of the correct information.

4 (e) Failure by a for-profit publishing entity that  
5 publishes on a publicly available Internet website or in any  
6 other publication or criminal history report that charges a fee  
7 for removal or correction of the information to correct the  
8 person's published criminal record information within 5  
9 business days after receipt of the notice, demand for  
10 correction, and the provision of correct information,  
11 constitutes an unlawful and deceptive practice within the  
12 meaning of this Act. In addition to any other remedy available  
13 under this Act, a person who has been injured by a violation of  
14 this Section is entitled to the damages of \$100 per day, plus  
15 attorney's fees, for the publisher's failure to correct the  
16 criminal record information.

17 (f) This Section does not apply to a play, book, magazine,  
18 newspaper, musical, composition, visual work, work of art,  
19 audiovisual work, radio, motion picture, or television  
20 program, or a dramatic, literary, or musical work.

21 (g) This Section does not apply to a news medium or  
22 reporter as defined in Section 8-902 of the Code of Civil  
23 Procedure.

24 (h) This Section does not apply to the Illinois State  
25 Police.

26 (i) This Section does not apply to a consumer reporting

1 agency as defined under 15 U.S.C. 1681a(f).

2 (j) Nothing in this Section shall be construed to impose  
3 liability on an interactive computer service, as defined in 47  
4 U.S.C. 230(f)(2), for content provided by another person.

5 (Source: P.A. 100-927, eff. 1-1-19.)

6 (815 ILCS 505/11a) (from Ch. 121 1/2, par. 271a)

7 Sec. 11a. Construction of Act.

8 (a) This Act shall be liberally construed to effect the  
9 purposes thereof.

10 (b) Nothing in this Act shall be construed to restrict or  
11 limit the ability of an aggrieved party to proceed through  
12 established federal or State remedies or other alternative  
13 methods of redress for similar violations.

14 (Source: P.A. 78-904.)".