



Sen. Bill Cunningham

Filed: 5/25/2023

10300HB3811sam004

LRB103 31048 LNS 62442 a

1 AMENDMENT TO HOUSE BILL 3811

2 AMENDMENT NO. _____. Amend House Bill 3811, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Biometric Information Privacy Act is
6 amended by changing Sections 10 and 20 as follows:

7 (740 ILCS 14/10)

8 Sec. 10. Definitions. In this Act:

9 "Biometric identifier" means a retina or iris scan,
10 fingerprint, voiceprint, or scan of hand or face geometry.
11 Biometric identifiers do not include writing samples, written
12 signatures, photographs, human biological samples used for
13 valid scientific testing or screening, demographic data,
14 tattoo descriptions, or physical descriptions such as height,
15 weight, hair color, or eye color. Biometric identifiers do not
16 include donated organs, tissues, or parts as defined in the

1 Illinois Anatomical Gift Act or blood or serum stored on
2 behalf of recipients or potential recipients of living or
3 cadaveric transplants and obtained or stored by a federally
4 designated organ procurement agency. Biometric identifiers do
5 not include biological materials regulated under the Genetic
6 Information Privacy Act. Biometric identifiers do not include
7 information captured from a patient in a health care setting
8 or information collected, used, or stored for health care
9 treatment, payment, or operations under the federal Health
10 Insurance Portability and Accountability Act of 1996.
11 Biometric identifiers do not include an X-ray, roentgen
12 process, computed tomography, MRI, PET scan, mammography, or
13 other image or film of the human anatomy used to diagnose,
14 prognose, or treat an illness or other medical condition or to
15 further validate scientific testing or screening.

16 "Biometric information" means any information, regardless
17 of how it is captured, converted, stored, or shared, based on
18 an individual's biometric identifier used to identify an
19 individual. Biometric information does not include information
20 derived from items or procedures excluded under the definition
21 of biometric identifiers.

22 "Confidential and sensitive information" means personal
23 information that can be used to uniquely identify an
24 individual or an individual's account or property. Examples of
25 confidential and sensitive information include, but are not
26 limited to, a genetic marker, genetic testing information, a

1 unique identifier number to locate an account or property, an
2 account number, a PIN number, a pass code, a driver's license
3 number, or a social security number.

4 "Electronic signature" means an electronic sound, symbol,
5 or process attached to or logically associated with a record
6 and executed or adopted by a person with the intent to sign the
7 record.

8 "Private entity" means any individual, partnership,
9 corporation, limited liability company, association, or other
10 group, however organized. A private entity does not include a
11 State or local government agency. A private entity does not
12 include any court of Illinois, a clerk of the court, or a judge
13 or justice thereof.

14 "Written release" means informed written consent,
15 electronic signature, or, in the context of employment, a
16 release executed by an employee as a condition of employment.
17 (Source: P.A. 95-994, eff. 10-3-08.)

18 (740 ILCS 14/20)

19 Sec. 20. Right of action.

20 (a) Any person aggrieved by a violation of this Act shall
21 have a right of action in a State circuit court or as a
22 supplemental claim in federal district court against an
23 offending party. A prevailing party may recover for each
24 violation:

25 (1) against a private entity that negligently violates

1 a provision of this Act, liquidated damages of \$1,500
2 ~~\$1,000~~ or actual damages, whichever is greater;

3 (2) against a private entity that intentionally or
4 recklessly violates a provision of this Act, liquidated
5 damages of \$5,000 or actual damages, whichever is greater;

6 (3) reasonable attorneys' fees and costs, including
7 expert witness fees and other litigation expenses; and

8 (4) other relief, including an injunction, as the
9 State or federal court may deem appropriate.

10 (b) For purposes of subsection (b) of Section 15, a
11 private entity that, in more than one instance, collects,
12 captures, purchases, receives through trade, or otherwise
13 obtains the same biometric identifier or biometric information
14 from the same person using the same method of collection in
15 violation of subsection (b) of Section 15 has committed a
16 single violation of subsection (b) of Section 15 for which the
17 aggrieved person is entitled to, at most, one recovery under
18 this Section.

19 (c) For purposes of subsection (d) of Section 15, a
20 private entity that, in more than one instance, discloses,
21 rediscloses, or otherwise disseminates the same biometric
22 identifier or biometric information from the same person to
23 the same recipient using the same method of collection in
24 violation of subsection (d) of Section 15 has committed a
25 single violation of subsection (d) of Section 15 for which the
26 aggrieved person is entitled to, at most, one recovery under

1 this Section regardless of the number of times the private
2 entity disclosed, redisclosed, or otherwise disseminated the
3 same biometric identifier or biometric information of the same
4 person to the same recipient.

5 (Source: P.A. 95-994, eff. 10-3-08.)

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