



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2697

Introduced 2/22/2005, by Rep. Ruth Munson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16G-10  
720 ILCS 5/16G-14 new

Amends the Criminal Code of 1961. Provides that a person who is not a party to a transaction that involves the use of a financial transaction device may not secretly or surreptitiously photograph, or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means, personal identifying information from the transaction without the consent of the person whose information is photographed, or otherwise captured, recorded, distributed, disseminated, or transmitted. Provides that a violation is a Class A misdemeanor. Effective immediately.

LRB094 09127 RLC 39358 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 16G-10 and by adding Section 16G-14 as follows:

6 (720 ILCS 5/16G-10)

7 Sec. 16G-10. Definitions. In this Article unless the  
8 context otherwise requires:

9 (a) "Personal identification document" means a birth  
10 certificate, a drivers license, a State identification card, a  
11 public, government, or private employment identification card,  
12 a social security card, a firearm owner's identification card,  
13 a credit card, a debit card, or a passport issued to or on  
14 behalf of a person other than the offender, or any document  
15 made or issued, or falsely purported to have been made or  
16 issued, by or under the authority of the United States  
17 Government, the State of Illinois, or any other State political  
18 subdivision of any state, or any other governmental or  
19 quasi-governmental organization that is of a type intended for  
20 the purpose of identification of an individual, or any such  
21 document made or altered in a manner that it falsely purports  
22 to have been made on behalf of or issued to another person or  
23 by the authority of one who did not give that authority.

24 (b) "Personal identifying information" means any of the  
25 following information:

26 (1) A person's name;

27 (2) A person's address;

28 (2.5) A person's date of birth;

29 (3) A person's telephone number;

30 (4) A person's drivers license number or State of  
31 Illinois identification card as assigned by the Secretary  
32 of State of the State of Illinois or a similar agency of

1 another state;

2 (5) A person's Social Security number;

3 (6) A person's public, private, or government  
4 employer, place of employment, or employment  
5 identification number;

6 (7) The maiden name of a person's mother;

7 (8) The number assigned to a person's depository  
8 account, savings account, or brokerage account;

9 (9) The number assigned to a person's credit or debit  
10 card, commonly known as a "Visa Card", "Master Card",  
11 "American Express Card", "Discover Card", or other similar  
12 cards whether issued by a financial institution,  
13 corporation, or business entity;

14 (10) Personal identification numbers;

15 (11) Electronic identification numbers;

16 (12) Digital signals;

17 (13) Any other numbers or information which can be used  
18 to access a person's financial resources, or to identify a  
19 specific individual.

20 (c) "Document-making implement" means any implement,  
21 impression, template, computer file, computer disc, electronic  
22 device, computer hardware, computer software, instrument, or  
23 device that is used to make a real or fictitious or fraudulent  
24 personal identification document.

25 (d) "Financial transaction device" means any of the  
26 following:

27 (1) An electronic funds transfer card.

28 (2) A credit card.

29 (3) A debit card.

30 (4) A point-of-sale card.

31 (5) Any instrument, device, card, plate, code, account  
32 number, personal identification number, or a record or copy  
33 of a code, account number, or personal identification  
34 number or other means of access to a credit account or  
35 deposit account, or a driver's license or state  
36 identification card used to access a proprietary account,

1 other than access originated solely by a paper instrument,  
2 that can be used alone or in conjunction with another  
3 access device, for any of the following purposes:

4 (A) Obtaining money, cash refund or credit  
5 account, credit, goods, services, or any other thing of  
6 value.

7 (B) Certifying or guaranteeing to a person or  
8 business the availability to the device holder of funds  
9 on deposit to honor a draft or check payable to the  
10 order of that person or business.

11 (C) Providing the device holder access to a deposit  
12 account for the purpose of making deposits,  
13 withdrawing funds, transferring funds between deposit  
14 accounts, obtaining information pertaining to a  
15 deposit account, or making an electronic funds  
16 transfer.

17 (Source: P.A. 93-401, eff. 7-31-03.)

18 (720 ILCS 5/16G-14 new)

19 Sec. 16G-14. Transmission of personal identifying  
20 information prohibited.

21 (a) A person who is not a party to a transaction that  
22 involves the use of a financial transaction device may not  
23 secretly or surreptitiously photograph, or otherwise capture  
24 or record, electronically or by any other means, or distribute,  
25 disseminate, or transmit, electronically or by any other means,  
26 personal identifying information from the transaction without  
27 the consent of the person whose information is photographed, or  
28 otherwise captured, recorded, distributed, disseminated, or  
29 transmitted.

30 (b) This Section does not:

31 (1) prohibit the capture or transmission of personal  
32 identifying information in the ordinary and lawful course  
33 of business;

34 (2) apply to a peace officer of this State, or of the  
35 federal government, or the officer's agent, while in the

1 lawful performance of the officer's duties;

2 (3) prohibit a person from being charged with,  
3 convicted of, or punished for any other violation of law  
4 committed by that person while violating or attempting to  
5 violate this Section.

6 (c) Sentence. A person who violates this Section is guilty  
7 of a Class A misdemeanor.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.