09400SB3036ham001   LRB094 18891 LJB 57644 a

1   AMENDMENT TO SENATE BILL 3036

2   AMENDMENT NO. _____. Amend Senate Bill 3036 on page 2,

3   immediately below line 3, by inserting the following:

4   ""Deceptive" means a representation or other practice that

5   is likely to mislead a consumer acting reasonably under the

6   circumstances to the consumer's detriment."; and

7   on page 4, line 16, by deleting "intentionally"; and

8   on page 4, line 25, by deleting "intentionally"; and

9   on page 5, line 7, by deleting "intentionally"; and

10   on page 6, line 12, by deleting "intentionally"; and

11   on page 6, line 18, by replacing "Intentionally misrepresent"

12   with "Misrepresent"; and

13   on page 6, line 22, by deleting "intentionally"; and

14   on page 7, line 1, by deleting "intentionally"; and

15   on page 7, line 2, by deleting "intentionally"; and

16   on page 7, line 17, by deleting "intentionally"; and

1   on page 7, line 27, by deleting "intentionally"; and

2   on page 10, immediately below line 8, by inserting the
3   following:

4   "Section 55. Good samaritan.

5   (a) No provider of computer software or of an interactive
6   computer service may be held liable for identifying, naming,
7   removing, disabling, or otherwise affecting computer software
8   though any action voluntarily undertaken or service provided if
9   the provider:

10   (1) intends to identify accurately, prevent the
11   installation or execution of, remove, or disable computer
12   software on the computer of a customer of the provider;

13   (2) reasonably believes the computer software exhibits
14   behavior that violates this Act; and

15   (3) before taking the action or providing the service,
16   notifies an owner or operator of a computer and obtains
17   consent before undertaking the action or providing the
18   service.

19   (b) A provider of computer software or interactive computer
20   service is entitled to protection under this Section only if
21   the provider:

22   (1) has established internal practices and procedures
23   to evaluate computer software reasonably designed to
24   determine whether or not computer software exhibits
25   behavior that violates this Act; and

26   (2) has established a process for managing disputes and
27   inquiries regarding misclassification or false positive
28   identifications of computer software programs.

29   (c) Nothing in this Section is intended to limit the
30   ability of the Attorney General or a State's Attorney to bring
31   an action against a provider of computer software or of an
32   interactive computer service.".