



Rep. Sidney H. Mathias

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09400SB3036ham002

LRB094 18891 LJB 58061 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 any act or practice prohibited by  
5 Section 2 of the Consumer Fraud and Deceptive Business  
6 Practices Act and by any court decision interpreting that  
7 Section."; and

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

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

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

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

12 on page 6, line 18, by replacing "Intentionally misrepresent"  
13 with "Misrepresent"; and

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

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

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

17 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 to a person who violates  
7 this Act for identifying, naming, removing, disabling, or  
8 otherwise affecting computer software through any action  
9 voluntarily undertaken or service provided if 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

1 interactive computer service.".