



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4874

by Rep. Tom Cross - Ruth Munson - Brent Hassert - Dennis M. Reboletti - James H. Meyer, et al.

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Social Networking Website Access Restriction Act. Provides that an owner of a social networking website must obtain and maintain in a database the written permission of the parent or guardian of each minor who is allowed access to the social networking website. Provides that an owner of a social networking website must give each parent or guardian unlimited access to the webpage profile of the minor under his or her supervision. Provides that an owner of a social networking website must implement procedures for verification of the age and information of anyone having a webpage on the social networking website. Provides that an owner of a social networking website must also verify the status of the parents or guardians who have granted permission to a minor to host a social networking website. Prohibits registered sex offenders from hosting or accessing a social networking website. Provides that operators of a social networking website must allow the parent or guardian of the minor unrestricted access to the profile webpage of the minor at all times. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a knowing violation by an owner or operator of the Social Networking Website Access Restriction Act is an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

LRB095 13999 RLC 39826 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

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

4 Section 1. Short title. This Act may be cited as the Social
5 Networking Website Access Restriction Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Access" means to use, instruct, communicate with, store
8 data in, retrieve or intercept data from, or otherwise utilize
9 any services of a computer.

10 "Computer" means a device that accepts, processes, stores,
11 retrieves or outputs data, and includes but is not limited to
12 auxiliary storage and telecommunications devices connected to
13 computers.

14 "Internet" means an interactive computer service or system
15 or an information service, system, or access software provider
16 that provides or enables computer access by multiple users to a
17 computer server, and includes, but is not limited to, an
18 information service, system, or access software provider that
19 provides access to a network system commonly known as the
20 Internet, or any comparable system or service and also
21 includes, but is not limited to, a World Wide Web page,
22 newsgroup, message board, mailing list, or chat area on any
23 interactive computer service or system or other online service.

1 "Minor" means a person under 18 years of age.

2 "Online" means the use of any electronic or wireless device
3 to access the Internet.

4 "Social networking website" means an Internet website
5 containing profile web pages of the members of the website that
6 include the names or nicknames of such members, photographs
7 placed on the profile web pages by such member, or any other
8 personal or personally identifying information about such
9 members and links to other profile web pages on social
10 networking websites of friends or associates of such members
11 that can be accessed by other members or visitors to the
12 website. A social networking website provides members of or
13 visitors to such website the ability to leave messages or
14 comments on the profile web page that are visible to all or
15 some visitors to the profile web page and may also include a
16 form of electronic mail for members of the social networking
17 website.

18 Section 10. Parental notification and access to social
19 networking websites of minors.

20 (a) An owner of a social networking website must obtain and
21 maintain in a database the written permission of the parent or
22 guardian of each minor who is allowed access to the social
23 networking website. An owner of a social networking website
24 must give each parent or guardian unlimited access to the
25 webpage profile of the minor under his or her supervision. An

1 owner of a social networking website must implement procedures
2 for verification of the age and information of anyone having a
3 webpage on the social networking website. An owner of a social
4 networking website must also verify the status of the parents
5 or guardians who have granted permission to a minor to host a
6 social networking website. Registered sex offenders are
7 prohibited from hosting or accessing a social networking
8 website.

9 (b) An operator of a social networking website may not
10 allow a minor to use or access a computer within Illinois to
11 create or maintain a profile web page on the website without
12 first obtaining the written permission of the minor's parents
13 or guardians.

14 (c) Operators of a social networking website must allow the
15 parent or guardian of the minor unrestricted access to the
16 profile webpage of the minor at all times.

17 (d) The operator of a social networking website must adopt
18 and implement procedures to utilize independently obtainable
19 information to confirm the accuracy of the age and personal
20 identification information collected from:

21 (1) potential members of a social networking website;

22 and

23 (2) the parents and guardians of children applying for
24 a profile webpage.

25 (e) The owner or operator of a social networking website
26 must keep either a hard copy or electronically scanned copy of

1 the written permission of the parents or guardians in a
2 database maintained by the social networking website.

3 (f) Sentence. A person convicted of or placed on
4 supervision for a sex offense that qualifies the person to
5 register as a sex offender under the Sex Offender Registration
6 Act who knowingly obtains access to a profile webpage from a
7 social networking website and knows or reasonably should have
8 known that the person depicted on the page is a minor is guilty
9 of a Class 4 felony for a first offense and a Class 3 felony for
10 a second or subsequent offense.

11 (g) Each day that the owners or operators of a social
12 networking website fail to adopt and implement the procedures
13 required by this Act constitutes a separate and distinct
14 violation.

15 Section 105. The Consumer Fraud and Deceptive Business
16 Practices Act is amended by changing Section 2Z as follows:

17 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

18 (Text of Section before amendment by P.A. 95-562)

19 Sec. 2Z. Violations of other Acts. Any person who knowingly
20 violates the Automotive Repair Act, the Automotive Collision
21 Repair Act, the Home Repair and Remodeling Act, the Dance
22 Studio Act, the Physical Fitness Services Act, the Hearing
23 Instrument Consumer Protection Act, the Illinois Union Label
24 Act, the Job Referral and Job Listing Services Consumer

1 Protection Act, the Travel Promotion Consumer Protection Act,
2 the Credit Services Organizations Act, the Automatic Telephone
3 Dialers Act, the Pay-Per-Call Services Consumer Protection
4 Act, the Telephone Solicitations Act, the Illinois Funeral or
5 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
6 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
7 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
8 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
9 Act, the Payday Loan Reform Act, subsection (a) or (b) of
10 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
11 Act, the Internet Caller Identification Act, paragraph (6) of
12 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
13 Article 3 of the Residential Real Property Disclosure Act, the
14 Automatic Contract Renewal Act, ~~or~~ the Personal Information
15 Protection Act, or subsection (a), (b), (c), (d), (e), or (g)
16 of Section 10 of the Social Networking Website Access
17 Restriction Act commits an unlawful practice within the meaning
18 of this Act.

19 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
20 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
21 eff. 1-1-08.)

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24 violates the Automotive Repair Act, the Automotive Collision
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1 Studio Act, the Physical Fitness Services Act, the Hearing
2 Instrument Consumer Protection Act, the Illinois Union Label
3 Act, the Job Referral and Job Listing Services Consumer
4 Protection Act, the Travel Promotion Consumer Protection Act,
5 the Credit Services Organizations Act, the Automatic Telephone
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7 Act, the Telephone Solicitations Act, the Illinois Funeral or
8 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
9 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
10 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
11 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
12 Act, the Payday Loan Reform Act, subsection (a) or (b) of
13 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
14 Act, the Internet Caller Identification Act, paragraph (6) of
15 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
16 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the
17 Illinois Vehicle Code, Article 3 of the Residential Real
18 Property Disclosure Act, the Automatic Contract Renewal Act, ~~or~~
19 the Personal Information Protection Act, or subsection (a),
20 (b), (c), (d), (e), or (g) of Section 10 of the Social
21 Networking Website Access Restriction Act commits an unlawful
22 practice within the meaning of this Act.

23 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
24 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
25 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)

1 Section 995. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.