



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2545

Introduced 12/13/2011, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2MMM new

Creates the Internet Dating Safety Act. Requires Internet dating services offering services to Illinois members to provide a safety awareness notification to all Illinois members. Provides that if an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose, clearly and conspicuously, to all Illinois members that the Internet dating service does not conduct criminal background screenings. Provides that an Internet service provider does not violate the Act solely as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service. Provides that the Attorney General, pursuant to the Illinois Administrative Procedure Act, shall adopt rules and regulations to effectuate the purposes of the Act. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act for an Internet dating service to fail to provide notice or falsely indicate that it has performed criminal background screenings in accordance with the Internet Dating Safety Act. Effective immediately.

LRB097 14729 AEK 59730 b

1 AN ACT concerning business.

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
5 Internet Dating Safety Act.

6 Section 2. Findings, declarations.

7 The Legislature finds and declares that residents of this
8 State need to be informed of the potential risks of
9 participating in Internet dating services. There is a public
10 safety need to disclose whether criminal history background
11 screenings have been performed and to increase public awareness
12 of the possible risks associated with Internet dating
13 activities. The primary purpose of this Act is to enhance the
14 safety of individuals who use an Internet service to facilitate
15 dating.

16 The offer of Internet dating services to residents of this
17 State, and the acceptance of membership fees from residents of
18 this State means that an Internet dating service is conducting
19 business in this State and is subject to regulation by this
20 State and the jurisdiction of the State's courts.

21 Section 5. Definitions. As used in this Act:

22 "Criminal background screening" means a name search for a

1 person's criminal convictions initiated by an on-line dating
2 service provider and conducted by:

3 (1) searching available and regularly updated
4 government public record databases for criminal
5 convictions so long as such databases, in the aggregate,
6 provide substantial national coverage; or

7 (2) searching a database maintained by a private vendor
8 that is regularly updated and is maintained in the United
9 States with substantial national coverage of criminal
10 history records and sexual offender registries.

11 "Internet dating service" means a person or entity directly
12 or indirectly in the business, for profit, of offering,
13 promoting or providing access to dating, relationship,
14 compatibility, matrimonial, or social referral services
15 principally on or through the Internet.

16 "Internet service provider" means any person, business, or
17 organization qualified to do business in this State that
18 provides individuals, corporations, or other entities with the
19 ability to connect to the Internet through equipment that is
20 located in this State.

21 "Member" means a customer, client, or participant who
22 submits to an Internet dating service information required to
23 access the service for the purpose of engaging in dating,
24 relationship, compatibility, matrimonial, or social referral.

25 "Illinois member" means a member who provides an Illinois
26 billing address or zip code when registering with the service.

1 "Criminal conviction" means a conviction for any crime
2 including but not limited to any sex offense that would qualify
3 the offender for registration pursuant to the Sex Offender
4 Registration Act or under another jurisdiction's equivalent
5 statute.

6 Section 10. Requirements for Internet dating services.

7 (a) An Internet dating service offering services to
8 Illinois members shall provide a safety awareness notification
9 to all Illinois members that includes, at a minimum, a list and
10 description of safety measures reasonably designed to increase
11 awareness of safer dating practices as determined by the
12 service.

13 Examples of such notifications include:

14 (1) "Anyone who is able to commit identity theft can
15 also falsify a dating profile."

16 (2) "There is no substitute for acting with caution
17 when communicating with any stranger who wants to meet
18 you."

19 (3) "Never include your last name, e-mail address, home
20 address, phone number, place of work, or any other
21 identifying information in your Internet profile or
22 initial e-mail messages. Stop communicating with anyone
23 who pressures you for personal or financial information or
24 attempts in any way to trick you into revealing it."

25 (4) "If you choose to have a face-to-face meeting with

1 another member, always tell someone in your family or a
2 friend where you are going and when you will return. Never
3 agree to be picked up at your home. Always provide your own
4 transportation to and from your date and meet in a public
5 place with many people around.

6 (b) If an Internet dating service does not conduct criminal
7 background screenings on its members, the service shall
8 disclose, clearly and conspicuously, to all Illinois members
9 that the Internet dating service does not conduct criminal
10 background screenings. The disclosure shall be provided in two
11 or more of the following forms: when an electronic mail message
12 is sent or received by an Illinois member, in a "click-
13 through" or other similar presentation requiring a member from
14 this State to acknowledge that they have received the
15 information required by this Act, on the profile describing a
16 member to an Illinois member, and on the web-site pages or
17 homepage of the Internet dating service used when an Illinois
18 member signs up. A disclosure under this subsection shall be in
19 bold, capital letters in at least 12-point type.

20 (c) If an Internet dating service conducts criminal
21 background screenings on all of its communicating members, then
22 the service shall disclose, clearly and conspicuously, to all
23 Illinois members that the Internet dating service conducts a
24 criminal background screening on each member prior to
25 permitting an Illinois member to communicate with another
26 member. The disclosure shall be provided on the website pages

1 used when an Illinois member signs up. A disclosure under this
2 subsection shall be in bold, capital letters in at least
3 12-point type.

4 (d) If an Internet dating service conducts criminal
5 background screenings, then the service shall disclose whether
6 it has a policy allowing a member who has been identified as
7 having a criminal conviction to have access to its service to
8 communicate with any Illinois member; shall state that criminal
9 background screenings are not foolproof; that they may give
10 members a false sense of security; that they are not a perfect
11 safety solution; that criminals may circumvent even the most
12 sophisticated search technology; that not all criminal records
13 are public in all states and not all databases are up to date;
14 that only publicly available convictions are included in the
15 screening; and that screenings do not cover other types of
16 convictions or arrests or any convictions from foreign
17 countries.

18 Section 15. Unlawful practices for Internet dating
19 services. It is an unlawful practice under the Consumer Fraud
20 and Deceptive Business Practices Act for an Internet dating
21 service to fail to provide notice or falsely indicate that it
22 has performed criminal background screenings in accordance
23 with this Act.

24 Section 20. No violation to serve solely as intermediary.

1 An Internet service provider does not violate this Act solely
2 as a result of serving as an intermediary for the transmission
3 of electronic messages between members of an Internet dating
4 service.

5 Section 25. Rules, regulations. The Attorney General,
6 pursuant to the Illinois Administrative Procedure Act, shall
7 adopt rules and regulations to effectuate the purposes of this
8 Act.

9 Section 90. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by adding Section 2MMM as follows:

11 (815 ILCS 505/2MMM new)

12 Sec. 2MMM. Internet dating safety. It is an unlawful
13 practice under this Act for an Internet dating service to fail
14 to provide notice or falsely indicate that it has performed
15 criminal background screenings in accordance with the Internet
16 Dating Safety Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.