

# HB5891



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5891

by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

815 ILCS 518/10

Amends the Internet Dating, Internet, Internet Child Care, Internet Senior Care, and internet Home Safety Act. Provides that disclosures concerning background checks must be provided in connection with mobile devices in a clear and conspicuous manner.

LRB098 18853 JLS 53999 b

A BILL FOR

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 5. The Internet Dating, Internet Child Care,  
5 Internet Senior Care, and Internet Home Care Safety Act is  
6 amended by changing Section 10 as follows:

7 (815 ILCS 518/10)

8 Sec. 10. Requirements for Internet dating services,  
9 Internet child care services, Internet senior care services,  
10 and Internet home care services.

11 (a) An Internet dating service, Internet child care  
12 service, Internet senior care service, or Internet home care  
13 service offering services to Illinois members shall provide a  
14 safety awareness notification to all Illinois members that  
15 includes, at a minimum, a list and description of safety  
16 measures reasonably designed to increase awareness of safer  
17 dating, child care, senior care, and home care practices as  
18 determined by the service.

19 Examples of such notifications include, but are not limited  
20 to:

21 (1) "Anyone who is able to commit identity theft can  
22 also falsify a dating profile, a child care profile, a  
23 senior care profile, or a home care profile."

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

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

10          (4) "If you choose to have a face-to-face meeting with  
11 another member, always tell someone in your family or a  
12 friend where you are going and when you will return. Never  
13 agree to be picked up at your home. Always provide your own  
14 transportation to and from your date and meet in a public  
15 place with many people around."

16          (b) If an Internet dating service, Internet child care  
17 service, Internet senior care service, or Internet home care  
18 service does not conduct criminal background screenings on its  
19 members, the service shall disclose, clearly and  
20 conspicuously, to all Illinois members that the Internet dating  
21 service does not conduct criminal background screenings. The  
22 disclosure shall be provided in two or more of the following  
23 forms: when an electronic mail message is sent or received by  
24 an Illinois member, in a "click-through" or other similar  
25 presentation requiring a member from this State to acknowledge  
26 that they have received the information required by this Act,

1 on the profile describing a member to an Illinois member, and  
2 on the website pages or homepage of the Internet dating  
3 service, Internet child care service, Internet senior care  
4 service, or Internet home care service used when an Illinois  
5 member signs up. A disclosure under this subsection made on a  
6 device other than a mobile device shall be in bold, capital  
7 letters in at least 12-point type. A disclosure under this  
8 Section made on a mobile device shall be made in a clear and  
9 conspicuous manner that is readily apparent to the viewer of  
10 the disclosure.

11 (c) If an Internet dating service, Internet child care  
12 service, Internet senior care service, or Internet home care  
13 service conducts criminal background screenings on all of its  
14 communicating members, then the service shall disclose,  
15 clearly and conspicuously, to all Illinois members that the  
16 Internet dating service, Internet child care service, Internet  
17 senior care service, or Internet home care service conducts a  
18 criminal background screening on each member prior to  
19 permitting an Illinois member to communicate with another  
20 member. The disclosure shall be provided on the website pages  
21 used when an Illinois member signs up. A disclosure under this  
22 subsection made on a device other than a mobile device shall be  
23 in bold, capital letters in at least 12-point type. A  
24 disclosure under this Section made on a mobile device shall be  
25 made in a clear and conspicuous manner that is readily apparent  
26 to the viewer of the disclosure.

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

16 (Source: P.A. 97-1056, eff. 8-24-12; 98-458, eff. 8-16-13.)