100TH GENERAL ASSEMBLY
State of Illinois
2017 and 2018
SB2560


SYNOPSIS AS INTRODUCED:

815 ILCS 505/2QQQ

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that persons engaged in the activity of publishing on a website or in print criminal record information must remove the information free of charge within 30 days after a request by the subject of the information. Sets forth qualifications under which a person who is subject to the criminal record information is eligible for the removal of the information. Provides that failure to comply with a request for removal constitutes an unlawful practice. (Current law prohibits the solicitation of payment to remove criminal record information.)
AN ACT concerning business.

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2QQQ as follows:

(815 ILCS 505/2QQQ)

Sec. 2QQQ. Criminal record information.

(a) As used in this Section:

"Criminal record" includes any of the following:

(1) descriptions or notations of any arrests, any formal criminal charges, and the disposition of those criminal charges, including, but not limited to, any information made available under Section 4a of the State Records Act or Section 3b of the Local Records Act;

(2) photographs or video of the person taken pursuant to an arrest or other involvement in the criminal justice system; and

(3) personal identifying information, including a person's name, address, date of birth, photograph, and social security number or other government issued identification number.

"Subject individual" means an individual who was arrested and had his or her criminal record recorded and:
(1) access to his or her case or charges was restricted pursuant to Section 12 of the Criminal Identification Act;

(2) prior to indictment, accusation, or other charging instrument, his or her case was never referred for further prosecution to the proper prosecuting attorney by the arresting law enforcement agency and the offense against such individual was closed by the arresting law enforcement agency;

(3) prior to indictment, accusation, or other charging instrument, the statute of limitations expired;

(4) prior to indictment, accusation, or other charging instrument, his or her case was referred to the prosecution attorney, but was later dismissed;

(5) prior to indictment, accusation, or other charging instrument, the grand jury returned 2 no bills;

(6) after indictment or accusation, all charges were dismissed or nolle prossed;

(7) after indictment or accusation, the individual is approved for the Offender Initiative Program under Section 5-6-3.3 of the Unified Code of Corrections; or

(8) the individual was acquitted of all of the charges by a judge or jury.

(b) A person who is engaged in any activity involving or using a computer or computer network and who publishes on the person's website or by print a subject individual's criminal record information for purposes of commerce shall be deemed to
be transacting business in this State. Within 30 days after the
sending of a written request by a subject individual, stating
his or her name, date of birth, date of arrest, and the name of
the arresting law enforcement agency, the person shall, without
fee or compensation, remove from that person's website or
wherever the print form may be posted the subject individual's
criminal record. The written request shall be transmitted via
certified mail, return receipt requested, to the registered
agent, principal place of business, or primary residence of the
person who published the website. Failure to comply with the
requirements of this Section, constitutes an unlawful practice
within the meaning of this Act.

(c) An arresting law enforcement agency shall not provide
or make available a copy of an individual's criminal record in
any format to a person requesting such information if:

(1) the information may be placed in a publication,
posted to a website, or transferred to a person to be
placed in a publication or posted to a website; and

(2) removal or deletion of that information from that
publication or website requires the payment of a fee or
other consideration.

(d) When a person requests an individual's booking
information, he or she shall submit a sworn statement affirming
that the use of the information, including photographs, is in
compliance with subsection (c) of this Section. Any person who
knowingly makes a false statement in requesting a booking
photograph shall be guilty of perjury under Section 32-2 of the

(a) It is an unlawful practice for any person engaged in
publishing or otherwise disseminating criminal record
information through a print or electronic medium to solicit or
accept the payment of a fee or other consideration to remove,
correct, or modify said criminal record information.

(b) For the purposes of this Section, "criminal record
information" includes any and all of the following:

(1) descriptions or notations of any arrests, any
formal criminal charges, and the disposition of these
criminal charges, including, but not limited to, any
information made available under Section 4a of the State
Records Act or Section 3b of the Local Records Act;

(2) photographs of the person taken pursuant to an
arrest or other involvement in the criminal justice system;

(3) personal identifying information, including a
person's name, address, date of birth, photograph, and
social security number or other government-issued
identification number.

(Source: P.A. 98-555, eff. 1-1-14.)