



Registration and Regulation Committee

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09500HB1678ham001

LRB095 08429 MJR 33310 a

1 AMENDMENT TO HOUSE BILL 1678

2 AMENDMENT NO. _____. Amend House Bill 1678 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by
5 changing Section 7 as follows:

6 (205 ILCS 510/7) (from Ch. 17, par. 4657)

7 Sec. 7. Daily report.

8 (a) For purposes of this Section:

9 "Reportable data" consists of the resale vendor's customer
10 data, including: (i) name and address; (ii) sex, race, and
11 approximate height; (iii) date of birth; and (iv) distinctive
12 number from the customer's driver's license or identification
13 by a government agency or the United States Postal Service.

14 "Resale vendor" means any business or corporation in the
15 State that purchases goods directly from the public, except
16 businesses or corporations principally involved in the

1 business of buying and selling vehicles that are already
2 required to have title, not-for-profit organizations,
3 charities, and businesses or corporations solely involved in
4 the business of buying and selling clothing.

5 "Transactional information" consists of the following: (i)
6 a clear and accurate description of the pledged things,
7 including model and serial numbers if indicated on those
8 things; (ii) the date of the original transaction; (iii) the
9 maturity date of the original transaction; and (iv) the date
10 and amount of each payment made on a transaction, including any
11 extensions made.

12 "Third party provider" means a commercial enterprise
13 primarily engaged in the business of establishing and
14 maintaining an Internet repository for reportable data to law
15 enforcement.

16 (b) Every resale vendor shall provide all transactional
17 information obtained to the superintendent or chief of police
18 of the city or town in which he or she is doing business or to
19 the sheriff of the county in which he or she is doing business,
20 on a daily basis by the end of the next business day or on such
21 less frequent basis as is required by the law enforcement
22 official. The means for providing the transactional
23 information required under this Section shall be selected by
24 the law enforcement official and shall be one of the following:

25 (1) By electronic transmission if the resale vendor has
26 the means available to make transmissions in electronic

1 form.

2 (2) By sending a facsimile.

3 (3) By mailing through the U.S. Postal Service.

4 In the event transactional information is transmitted
5 electronically pursuant to item (1) of this subsection (b), the
6 appropriate law enforcement official may, for purposes of an
7 investigation of a crime relating to a particular transaction,
8 request the resale vendor to mail or fax the official the
9 personally identifiable information relating to such
10 transaction under investigation. The resale vendor shall
11 deliver the personally identifiable information relating to
12 the identified transaction to the appropriate law enforcement
13 official within 24 hours after the request. In the event the
14 resale vendor transfers information in printed form pursuant to
15 items (2) or (3) of this subsection (b), the resale vendor
16 shall not also be required to transmit such information in
17 electronic form pursuant to item (1) of this subsection (b).

18 (c) Resale vendors must hold all items purchased from the
19 public for a period of 21 days after transmitting transactional
20 information via facsimile or U.S. Postal Service or 10 days
21 after transmitting transactional information electronically
22 prior to selling, distributing, or altering goods in any way.

23 (d) ~~(a)~~ Except as provided in subsection (e) ~~(b)~~, it shall
24 be the duty of every pawnbroker to make out and deliver to the
25 sheriff of the county in which such pawnbroker does business,
26 on each day before the hours of 12 o'clock noon, a legible and

1 exact copy from the standard record book, as required in
2 Section 5 of this Act, that lists all personal property and any
3 other valuable thing received on deposit or purchased during
4 the preceding day, including the exact time when received or
5 purchased, and a description of the person or person by whom
6 left in pledge, or from whom the same were purchased; provided,
7 that in cities or towns having 25,000 or more inhabitants, a
8 copy of the such report shall at the same time also be
9 delivered to the superintendent of police or the chief police
10 officer of such city or town. Such report may be made by
11 computer printout or input memory device if the format has been
12 approved by the local law enforcement agency.

13 (e) ~~(b)~~ In counties with more than 3,000,000 inhabitants, a
14 pawnbroker or resale vendor must provide the daily report to
15 the sheriff only if the pawnshop or resale vendor is located in
16 an unincorporated area of the county. Pawnbrokers or resale
17 vendors located in cities or towns in such counties must
18 deliver such reports to the superintendent of police or the
19 chief police officer of such city or town.

20 (f) Resale vendors are not required to incur any costs or
21 increased fees as the result of the city, town, or county
22 collecting or processing records electronically under this
23 Section.

24 (g) Law enforcement may contract with a third party
25 provider to establish a repository for the purpose of providing
26 law enforcement agencies with access to transaction data to

1 facilitate the investigation of alleged property crimes.

2 (h) A third party provider shall do the following:

3 (1) collect and maintain the transaction data and
4 update the repository at least daily;

5 (2) implement appropriate security measures and data
6 recovery measures necessary to ensure the integrity of the
7 data; and

8 (3) ensure that the repository can be accessed only by
9 approved law enforcement officers in accordance with this
10 Article.

11 (i) A third party provider may do the following:

12 (1) charge a law enforcement agency a fee to access the
13 repository that is reasonable in relation to the third
14 party provider's costs in establishing and maintaining the
15 repository; or

16 (2) not charge a resale vendor or a resale vendor's
17 customer a fee for the compilation or transmission of
18 reportable data or for the creation, maintenance, or use of
19 any repository.

20 (j) A repository must do the following:

21 (1) enable reporting to transmit data for each purchase
22 transaction over the Internet in the format used by the
23 resale vendor's computer software;

24 (2) enable approved law enforcement officers who
25 provide a secure identification or access code to access
26 the reportable data contained in the repository over the

1 Internet;

2 (3) prevent unauthorized persons from accessing the
3 data contained in the repository;

4 (4) require approved law enforcement officers seeking
5 access to the identity of the customer in a transaction to:

6 (A) represent that the information is sought in
7 connection with the investigation of a crime involving
8 the goods delivered by the customer in that
9 transaction; and

10 (B) present (i) a valid case number of a criminal
11 proceeding or investigation for which the customer's
12 identity is needed or (ii) if a case number is not
13 available, the name and badge number of the approved
14 law enforcement officer seeking access to the
15 customer's identity;

16 (5) record the following information for each search of
17 the repository:

18 (A) the identity of the approved law enforcement
19 personnel searching the repository;

20 (B) the purchase transaction involved in the
21 search; and

22 (C) the identity of any customer whose information
23 was accessed through the search; and

24 (6) use a minimum of 128-bit encryption for all
25 transmissions to and from the repository.

26 (k) The data in the repository is confidential and may be

1 released or disclosed only to a law enforcement agency for the
2 investigation of a crime or to the Commissioner for
3 administrative purposes. A person who releases or discloses
4 data in violation of this Section is guilty of a Class A
5 misdemeanor.

6 (1) The local law enforcement agency that receives
7 information under this Section either directly from a resale
8 vendor or from a third party provider shall follow standards
9 for access to information, for control of data, and for
10 safeguarding the information at least as comprehensive as
11 National Crime Information Center information or standards
12 prescribed for taking, using, and safeguarding information
13 obtained or maintained pursuant to federal funds made available
14 by or through the United States Department of Justice pursuant
15 to 28 CFR 23.

16 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)".