



Sen. Kimberly A. Lightford

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09500SB1702sam002

LRB095 04125 RAS 32979 a

1 AMENDMENT TO SENATE BILL 1702

2 AMENDMENT NO. _____. Amend Senate Bill 1702 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Sections
5 10-20.40 and 34-18.34 as follows:

6 (105 ILCS 5/10-20.40 new)

7 Sec. 10-20.40. Student biometric information.

8 (a) For the purposes of this Section, "biometric
9 information" means any information that is collected through an
10 identification process for individuals based on their unique
11 behavioral or physiological characteristics, including
12 fingerprint, hand geometry, voice, or facial recognition or
13 iris or retinal scans.

14 (b) School districts that collect biometric information
15 from students shall adopt policies that require, at a minimum,
16 all of the following:

1 (1) Written permission from the individual who has
2 legal custody of the student, as defined in Section
3 10-20.12b of this Code, or from the student if he or she
4 has reached the age of 18.

5 (2) The discontinuation of use of a student's biometric
6 information under either of the following conditions:

7 (A) upon the student's graduation or withdrawal
8 from the school district; or

9 (B) upon receipt in writing of a request for
10 discontinuation by the individual having legal custody
11 of the student or by the student if he or she has
12 reached the age of 18.

13 (3) The destruction of all of a student's biometric
14 information within 30 days after the biometric information
15 is discontinued in accordance with item (2) of this
16 subsection (b).

17 (4) The use of biometric information solely for
18 identification or fraud prevention.

19 (5) A prohibition on the sale, lease, or other
20 disclosure of biometric information to another person or
21 entity, unless:

22 (A) the individual who has legal custody of the
23 student or the student, if he or she has reached the
24 age of 18, consents to the disclosure; or

25 (B) the disclosure is required by court order.

26 (6) The storage, transmittal, and protection of all

1 biometric information from disclosure.

2 (c) Failure to provide written consent under item (1) of
3 subsection (b) of this Section by the individual who has legal
4 custody of the student or by the student, if he or she has
5 reached the age of 18, must not be the basis for refusal of any
6 services otherwise available to the student.

7 (105 ILCS 5/34-18.34 new)

8 Sec. 34-18.34. Student biometric information.

9 (a) For the purposes of this Section, "biometric
10 information" means any information that is collected through an
11 identification process for individuals based on their unique
12 behavioral or physiological characteristics, including
13 fingerprint, hand geometry, voice, or facial recognition or
14 iris or retinal scans.

15 (b) If the school district collects biometric information
16 from students, the district shall adopt a policy that requires,
17 at a minimum, all of the following:

18 (1) Written permission from the individual who has
19 legal custody of the student, as defined in Section
20 10-20.12b of this Code, or from the student if he or she
21 has reached the age of 18.

22 (2) The discontinuation of use of a student's biometric
23 information under either of the following conditions:

24 (A) upon the student's graduation or withdrawal
25 from the school district; or

1 (B) upon receipt in writing of a request for
2 discontinuation by the individual having legal custody
3 of the student or by the student if he or she has
4 reached the age of 18.

5 (3) The destruction of all of a student's biometric
6 information within 30 days after the biometric information
7 is discontinued in accordance with item (2) of this
8 subsection (b).

9 (4) The use of biometric information solely for
10 identification or fraud prevention.

11 (5) A prohibition on the sale, lease, or other
12 disclosure of biometric information to another person or
13 entity, unless:

14 (A) the individual who has legal custody of the
15 student or the student, if he or she has reached the
16 age of 18, consents to the disclosure; or

17 (B) the disclosure is required by court order.

18 (6) The storage, transmittal, and protection of all
19 biometric information from disclosure.

20 (c) Failure to provide written consent under item (1) of
21 subsection (b) of this Section by the individual who has legal
22 custody of the student or by the student, if he or she has
23 reached the age of 18, must not be the basis for refusal of any
24 services otherwise available to the student.

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.31 as follows:

2 (30 ILCS 805/8.31 new)

3 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 95th General Assembly.

7 Section 99. Effective date. This Act takes effect August 1,
8 2007."