

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

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

22 "Criminal conviction" means a conviction for any crime
23 including but not limited to any sex offense that would qualify
24 the offender for registration pursuant to the Sex Offender
25 Registration Act or under another jurisdiction's equivalent
26 statute.

1 Section 10. Requirements for Internet dating services.

2 (a) An Internet dating service offering services to
3 Illinois members shall provide a safety awareness notification
4 to all Illinois members that includes, at a minimum, a list and
5 description of safety measures reasonably designed to increase
6 awareness of safer dating practices as determined by the
7 service.

8 Examples of such notifications include:

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

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

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

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

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

15 (c) If an Internet dating service conducts criminal
16 background screenings on all of its communicating members, then
17 the service shall disclose, clearly and conspicuously, to all
18 Illinois members that the Internet dating service conducts a
19 criminal background screening on each member prior to
20 permitting an Illinois member to communicate with another
21 member. The disclosure shall be provided on the website pages
22 used when an Illinois member signs up. A disclosure under this
23 subsection shall be in bold, capital letters in at least
24 12-point type.

25 (d) If an Internet dating service conducts criminal
26 background screenings, then the service shall disclose whether

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

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

19 Section 20. No violation to serve as intermediary. An
20 Internet service provider or website hosting service does not
21 violate this Act as a result of serving as an intermediary for
22 the transmission of electronic messages between members of an
23 Internet dating service.

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

3 (815 ILCS 505/2MMM new)

4 Sec. 2MMM. Internet dating safety. It is an unlawful
5 practice under this Act for an Internet dating service to fail
6 to provide notice or falsely indicate that it has performed
7 criminal background screenings in accordance with the Internet
8 Dating Safety Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.