



Sen. Kwame Raoul

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LRB100 04833 HEP 40142 a

1 AMENDMENT TO SENATE BILL 575

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 575 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Keep  
5 Internet Devices Safe Act.

6 Section 5. Legislative findings; intent. The General  
7 Assembly finds the following:

8 (a) An increasing number of everyday household devices,  
9 such as smart phones, televisions, cars, toys, and home  
10 appliances, are being enhanced by speech recognition and other  
11 technologies that use microphones to listen for environmental  
12 triggers. As a result, private companies are gaining  
13 unprecedented and near constant access to Illinois citizens and  
14 their families' private lives, including what they do in their  
15 homes and their daily habits.

16 (b) While there are tremendous benefits from these

1 technologies, the collection of personal information from  
2 Internet connected devices pose serious privacy and physical  
3 safety risks to Illinois citizens and children. Children's toys  
4 now have microphones that can record and collect personal  
5 information from conversations within earshot of the device.

6 (c) The increasing prevalence of these technologies in  
7 everyday devices enables companies to collect, store, analyze,  
8 and share increasing amounts of personal data, often without  
9 Illinois families ever knowing. Illinois citizens have a right  
10 to their personal data and the public welfare, security, and  
11 safety will be served by requiring companies to be transparent  
12 about their data collection and sharing practices.

13 (d) It is the public policy of the State of Illinois to  
14 ensure that Illinois citizens be aware of and have control over  
15 whether a private entity records, collects, stores, or  
16 discloses their personal information and to ensure that their  
17 personal information is maintained in a secure manner.

18 Section 10. Definitions. In this Act:

19 "Digital device" means a smart phone, tablet, television,  
20 computer, car, toy, home appliance, or any other device that  
21 may be used for personal, family, or household purposes that  
22 contains a microphone.

23 "Microphone" means an instrument capable of listening for,  
24 collecting, recording, storing, analyzing, transmitting,  
25 interpreting, or otherwise using spoken words or other audible

1 or inaudible sounds.

2 "Private entity" means any partnership, corporation,  
3 limited liability company, association, organization or other  
4 group, regardless of organizational structure, or any agent  
5 thereof. "Private entity" does not include a state or local  
6 government agency.

7 "User" means a person who purchases, leases, or otherwise  
8 uses a digital device.

9 Section 15. Collection, use, storage, or disclosure of  
10 information from a digital device's microphone. No private  
11 entity may turn on or enable, cause to be turned on or enabled,  
12 or otherwise use a digital device's microphone to listen for or  
13 collect information, including spoken words or other audible or  
14 inaudible sounds, unless a user first agrees to a written  
15 policy informing the user:

16 (1) that the microphone in his or her digital device  
17 will be turned on, enabled, or used;

18 (2) how often the microphone will be turned on,  
19 enabled, or used;

20 (3) of the categories of information, such as spoken  
21 words or audible or inaudible sounds, the microphone will  
22 be listening for, collecting, storing, and disclosing; and

23 (4) of the purpose for which the information will be  
24 collected, used, stored, and disclosed.

1 Section 20. Security measures.

2 (a) A private entity that collects, stores, or transmits  
3 any information collected through a digital device's  
4 microphone concerning an Illinois resident shall implement and  
5 maintain reasonable security measures to protect such  
6 information from unauthorized access, acquisition,  
7 destruction, use, modification, and disclosure.

8 (b) A contract for the disclosure of information collected  
9 through a digital device's microphone concerning an Illinois  
10 resident that is maintained by a private entity subject to this  
11 Act must include a provision requiring the person or private  
12 entity to whom the information is disclosed to implement and  
13 maintain reasonable security measures to protect such  
14 information from unauthorized access, acquisition,  
15 destruction, use, modification, or disclosure.

16 Section 25. Unlawful practice. A violation of this Act  
17 constitutes an unlawful practice under the Consumer Fraud and  
18 Deceptive Business Practices Act.

19 Section 30. General provisions.

20 (a) Any waiver of the provisions of this Act is void and  
21 unenforceable.

22 (b) Any agreement created or modified after the effective  
23 date of this Act that does not comply with this Act is void and  
24 unenforceable.

1           Section 35. The Consumer Fraud and Deceptive Business  
2 Practices Act is amended by changing Section 2Z as follows:

3           (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

4           Sec. 2Z. Violations of other Acts. Any person who knowingly  
5 violates the Automotive Repair Act, the Automotive Collision  
6 Repair Act, the Home Repair and Remodeling Act, the Dance  
7 Studio Act, the Physical Fitness Services Act, the Hearing  
8 Instrument Consumer Protection Act, the Illinois Union Label  
9 Act, the Installment Sales Contract Act, the Job Referral and  
10 Job Listing Services Consumer Protection Act, the Travel  
11 Promotion Consumer Protection Act, the Credit Services  
12 Organizations Act, the Automatic Telephone Dialers Act, the  
13 Pay-Per-Call Services Consumer Protection Act, the Telephone  
14 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
15 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
16 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the  
17 High Risk Home Loan Act, the Payday Loan Reform Act, the  
18 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section  
19 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section  
20 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the  
21 Internet Caller Identification Act, paragraph (6) of  
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
23 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,  
24 or 18d-153 of the Illinois Vehicle Code, Article 3 of the

1 Residential Real Property Disclosure Act, the Automatic  
2 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of  
3 the Youth Mental Health Protection Act, the Personal  
4 Information Protection Act, ~~or~~ the Student Online Personal  
5 Protection Act, or the Keep Internet Devices Safe Act commits  
6 an unlawful practice within the meaning of this Act.

7 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
8 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
9 revised 10-6-17.)".