



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2273

Introduced 10/28/2019, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act

Creates the Automatic Listening Exploitation Act. Defines terms. Provides that it is unlawful for a person who provides any smart service through a proprietary smart speaker to: (i) store or make a recording or transcript of any speech or sound captured by a smart speaker or to use any storage or recording or transcript of any voice interaction by a user with the voice-user interface, or (ii) transmit such a recording or transcript to a third party, for any purpose, without obtaining express informed consent and permitting the user to require the deletion of any recording, transcript, or sound recorded by the speaker at any time. Provides exemptions. Provides that it is unlawful for a person who provides any security monitoring or other service through a proprietary video doorbell to: (i) store or make a recording of any video, image, or audio captured by the video doorbell's camera, or (ii) use any storage recording of any video, image, or audio captured by the video doorbell's camera, or transmit such a recording to a third party. Provides exemptions. Provides that, if the Attorney General or a State's Attorney has reason to believe that any person has violated or is violating the Act, he or she may, in addition to any authority he or she may have to bring an action in State court under consumer protection law, bring a civil action in any court of competent jurisdiction to enjoin further violation by the defendant, enforce compliance with the Act, or obtain civil penalties not to exceed \$40,000 per violation.

LRB101 13836 TAE 62695 b

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 Automatic Listening Exploitation Act.

6 Section 5. Purpose. The purpose of this Act is to limit the
7 use, recording, or transmission of any speech or sound captured
8 by a smart speaker or any video or image captured by a video
9 doorbell and to prohibit, as an unfair or deceptive act or
10 practice, such use, recording, or transmission without the
11 express consent of the consumer.

12 Section 10. Definitions. As used in this Act:

13 "Internet-enabled" means, with respect to an electronic
14 device, that the device can connect to the Internet directly or
15 through another device.

16 "Person" means any individual, partnership, corporation,
17 trust, estate, cooperative, association, or other entity.

18 "Smart service" means any service provided to a consumer
19 using a smart speaker, such as Internet content, streaming
20 services, or virtual assistant services.

21 "Smart speaker" means an Internet-enabled electronic
22 device that can be controlled through a voice-user interface

1 that provides a smart service to a user.

2 "User" means: (a) an individual who uses or interacts with
3 a smart speaker using spoken or other commands; or (b) an
4 individual who is provided images or audio captured by, or the
5 ability to interact with, a video doorbell through the user's
6 smartphone, tablet computer, or similar Internet-enabled
7 mobile device.

8 "Video doorbell" means an Internet-enabled doorbell,
9 equipped with a camera or microphone, or both, that: (a)
10 notifies the smartphone, computer, or similar Internet-enabled
11 mobile device of a user when a guest arrives at the entrance of
12 the door; (b) is activated when the guest presses the button of
13 the doorbell, or alternatively, when the doorbell senses a
14 guest with its built-in motion sensors or is activated
15 remotely by the user of the doorbell through the user's
16 smartphone, computer, or similar Internet-enabled mobile
17 device; and (c) allows the user using the smartphone, computer,
18 or other Internet-enabled device to watch and talk with the
19 guest by using the doorbell's built-in camera and microphone.

20 "Voice-user interface" means a speech recognition
21 technology that understands spoken commands and questions to
22 allow people to communicate with a computer or smart speaker.

23 "Wake word or phrase" means a spoken word or phrase that
24 triggers the voice-user interface on a smart speaker to listen
25 for user commands or queries.

1 Section 15. Prohibited conduct.

2 (a) It is unlawful for a person who provides any smart
3 service through a proprietary smart speaker to:

4 (1) store or make a recording or transcript of any
5 speech or sound captured by a smart speaker unless:

6 (A) the smart speaker is specifically activated to
7 do so by detecting an audible wake word or phrase that
8 is known to the user; and

9 (B) the smart speaker first makes an audible
10 response or visual indication upon activation by such
11 wake word or phrase; or

12 (2) use any storage or recording or transcript of any
13 voice interaction by a user with the voice-user interface,
14 or transmit such a recording or transcript to a third
15 party, for any purpose:

16 (A) other than to:

17 (i) process a request and provide the service
18 the user is requesting;

19 (ii) improve the speech recognition and
20 natural language understanding of the voice-user
21 interface; or

22 (iii) help the voice-user interface to adapt
23 to speech patterns, vocabulary, and personal
24 preferences; and

25 (B) without:

26 (i) first providing to the user of the smart

1 speaker when the speaker is first set up for use a
2 clear and conspicuous notice, set off from other
3 text in any user agreement, of the specific purpose
4 or purposes described in subparagraph (A);

5 (ii) first obtaining the express consent of
6 the user for each specific purpose; and

7 (iii) permitting the user of the smart speaker
8 to require the deletion of any recording or
9 transcript of any speech or sound captured by a
10 smart speaker of such user at any time.

11 (b) It is unlawful for a person who provides any security
12 monitoring or other service through a proprietary video
13 doorbell to:

14 (1) store or make a recording of any video, image, or
15 audio captured by the video doorbell's camera unless:

16 (A) the video doorbell is specifically activated
17 to do so when an individual presses the button of the
18 doorbell, or alternatively, when the doorbell senses
19 an individual at the doorstep with its built-in motion
20 sensors or is activated remotely by the user of the
21 doorbell through the user's smartphone, computer, or
22 similar internet-enabled mobile device; and

23 (B) the video or image is provided to the user of
24 the video doorbell at the time the video or image is
25 captured; or

26 (2) use any storage recording of any video, image, or

1 audio captured by the video doorbell's camera, or transmit
2 such a recording to a third party:

3 (A) for any purpose other than to provide the
4 video, image, or audio to the user of the video
5 doorbell or to allow the user using a smartphone,
6 computer, or other internet-enabled device to watch
7 and talk with a guest at the door by using the
8 doorbell's built-in camera and microphone;

9 (B) without:

10 (i) first providing to the user of the video
11 doorbell when the video doorbell is first set up
12 for use a clear and conspicuous notice, set off
13 from other text in any user agreement, of the
14 specific purpose or purposes described in
15 subparagraph (A);

16 (ii) first obtaining the express consent of
17 the user for each specific purpose; and

18 (iii) permitting the user of the video
19 doorbell to require the deletion of any recording
20 of any video or image captured by the video
21 doorbell's camera of the user at any time.

22 Section 20. Enforcement. If the Attorney General or a
23 State's Attorney has reason to believe that any person has
24 violated or is violating this Act, he or she may, in addition
25 to any authority he or she may have to bring an action in State

1 court under consumer protection law, bring a civil action in
2 any court of competent jurisdiction to:

- 3 (1) enjoin further violation by the defendant;
4 (2) enforce compliance with this Act; or
5 (3) obtain civil penalties not to exceed \$40,000 per
6 violation.