

SB0225



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0225

Introduced 2/17/2021, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

15 ILCS 335/11

from Ch. 124, par. 31

625 ILCS 5/6-110.1

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State shall not provide facial recognition search services or photographs obtained in the process of issuing an identification card or a driver's license or permit to any federal, State, or local law enforcement agency or other governmental entity for the purpose of enforcing federal immigration laws. Effective immediately.

LRB102 03890 RJF 13905 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 11 as follows:

6 (15 ILCS 335/11) (from Ch. 124, par. 31)

7 Sec. 11. Records.

8 (a) The Secretary may make a search of his records and
9 furnish information as to whether a person has a current
10 Standard Illinois Identification Card or an Illinois Person
11 with a Disability Identification Card then on file, upon
12 receipt of a written application therefor accompanied with the
13 prescribed fee. However, the Secretary may not disclose
14 medical information concerning an individual to any person,
15 public agency, private agency, corporation or governmental
16 body unless the individual has submitted a written request for
17 the information or unless the individual has given prior
18 written consent for the release of the information to a
19 specific person or entity. This exception shall not apply to:
20 (1) offices and employees of the Secretary who have a need to
21 know the medical information in performance of their official
22 duties, or (2) orders of a court of competent jurisdiction.
23 When medical information is disclosed by the Secretary in

1 accordance with the provisions of this Section, no liability
2 shall rest with the Office of the Secretary of State as the
3 information is released for informational purposes only.

4 (b) Except as otherwise provided in this Section, the ~~The~~
5 Secretary may release personally identifying information only
6 to:

7 (1) officers and employees of the Secretary who have a
8 need to know that information for issuance of driver's
9 licenses, permits, or identification cards and
10 investigation of fraud or misconduct;

11 (2) other governmental agencies for use in their
12 official governmental functions;

13 (3) law enforcement agencies for a criminal or civil
14 investigation;

15 (3-5) the State Board of Elections as may be required
16 by an agreement the State Board of Elections has entered
17 into with a multi-state voter registration list
18 maintenance system; or

19 (4) any entity that the Secretary has authorized, by
20 rule.

21 (c) Except as otherwise provided in this Section, the ~~The~~
22 Secretary may release highly restricted personal information
23 only to:

24 (1) officers and employees of the Secretary who have a
25 need to access the information for the issuance of
26 driver's licenses, permits, or identification cards and

1 investigation of fraud or misconduct;

2 (2) law enforcement officials for a criminal or civil
3 law enforcement investigation;

4 (3) the State Board of Elections for the purpose of
5 providing the signature for completion of voter
6 registration; or

7 (4) any other entity the Secretary has authorized by
8 rule.

9 (d) Documents required to be submitted with an application
10 for an identification card to prove the applicant's identity
11 (name and date of birth), social security number, written
12 signature, residency, and, as applicable, proof of lawful
13 status shall be confidential and shall not be disclosed except
14 to the following persons:

15 (1) the individual to whom the identification card was
16 issued, upon written request;

17 (2) officers and employees of the Secretary of State
18 who have a need to have access to the stored images for
19 purposes of issuing and controlling driver's licenses,
20 permits, or identification cards and investigation of
21 fraud or misconduct;

22 (3) law enforcement officials for a civil or criminal
23 law enforcement investigation;

24 (4) other entities that the Secretary may authorize by
25 rule.

26 (e) The Secretary may not disclose an individual's social

1 security number or any associated information obtained from
2 the Social Security Administration without the written request
3 or consent of the individual except: (i) to officers and
4 employees of the Secretary who have a need to know the social
5 security number in the performance of their official duties;
6 (ii) to law enforcement officials for a civil or criminal law
7 enforcement investigation if an officer of the law enforcement
8 agency has made a written request to the Secretary specifying
9 the law enforcement investigation for which the social
10 security number is being sought; (iii) under a lawful court
11 order signed by a judge; (iv) to the Illinois Department of
12 Veterans' Affairs for the purpose of confirming veteran status
13 to agencies in other states responsible for the issuance of
14 state identification cards for participation in State-to-State
15 verification service; or (v) the last 4 digits to the Illinois
16 State Board of Elections for purposes of voter registration
17 and as may be required pursuant to an agreement for a
18 multi-state voter registration list maintenance system. The
19 Secretary retains the right to require additional verification
20 regarding the validity of a request from law enforcement. If
21 social security information is disclosed by the Secretary in
22 accordance with this Section, no liability shall rest with the
23 Office of the Secretary of State or any of its officers or
24 employees, as the information is released for official
25 purposes only.

26 (f) The Secretary of State shall not provide facial

1 recognition search services or photographs obtained in the
2 process of issuing an identification card to any federal,
3 State, or local law enforcement agency or other governmental
4 entity for the purpose of enforcing federal immigration laws.

5 (Source: P.A. 101-326, eff. 8-9-19.)

6 Section 10. The Illinois Vehicle Code is amended by
7 changing Section 6-110.1 as follows:

8 (625 ILCS 5/6-110.1)

9 Sec. 6-110.1. Confidentiality of captured photographs or
10 images.

11 (a) The Secretary of State shall maintain a file on or
12 contract to file all photographs and signatures obtained in
13 the process of issuing a driver's license, permit, or
14 identification card. Except as otherwise provided in this
15 Section, the ~~The~~ photographs and signatures shall be
16 confidential and shall not be disclosed except to the
17 following persons:

18 (1) the individual upon written request;

19 (2) officers and employees of the Secretary of State
20 who have a need to have access to the stored images for
21 purposes of issuing and controlling driver's licenses,
22 permits, or identification cards and investigation of
23 fraud or misconduct;

24 (3) law enforcement officials for a civil or criminal

1 law enforcement investigation;

2 (3-5) the State Board of Elections for the sole
3 purpose of providing the signatures required by a local
4 election authority to register a voter through an online
5 voter registration system;

6 (3-10) officers and employees of the Secretary of
7 State who have a need to have access to the stored images
8 for purposes of issuing and controlling notary public
9 commissions and for the purpose of providing the
10 signatures required to process online applications for
11 appointment and commission as notaries public; or

12 (4) other entities that the Secretary may authorize by
13 rule.

14 (b) The Secretary of State shall not provide facial
15 recognition search services or photographs obtained in the
16 process of issuing a driver's license or permit to any
17 federal, State, or local law enforcement agency or other
18 governmental entity for the purpose of enforcing federal
19 immigration laws.

20 (Source: P.A. 101-326, eff. 8-9-19.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.