



# Adopted in House Comm. on Mar 14, 2007

09500HB1559ham001

LRB095 10164 RAS 32977 a

1 AMENDMENT TO HOUSE BILL 1559

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1559 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."