98TH GENERAL ASSEMBLY
State of Illinois
2013 and 2014
HB3776
by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

New Act
15 ILCS 335/11 from Ch. 124, par. 31
625 ILCS 5/2-109.1

Creates the Attorney General Identity Theft Database Act. Provides that the Attorney General shall establish and maintain a database of persons who have been victims of identity theft. Provides that the Office of the Attorney General shall provide a victim of identity theft or his or her authorized representative access to the database in order to establish that the person has been a victim of identity theft. Provides that access to the database shall be limited to criminal justice agencies including law enforcement agencies, victims of identity theft, and persons and agencies authorized by the victims. Provides that in order for a victim of identity theft to be included in the database, he or she shall submit to the Attorney General a court order obtained under any provision of law, a full set of fingerprints, and any other information prescribed by the Attorney General. Provides that upon receiving the information, the Office of the Attorney General shall verify the identity of the victim against any driver's license or other identification record maintained by the Secretary of State. Amends the Illinois Identification Card Act and the Illinois Vehicle Code to make conforming changes.
AN ACT concerning identity theft.

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

Section 1. Short title. This Act may be cited as the Attorney General Identity Theft Database Act.

Section 5. Definition. For the purposes of this Act, "victim of identity theft" means a victim of the offense of identity theft or aggravated identity theft as defined in Section 16-30 of the Criminal Code of 2012.

Section 10. Attorney General Identity Theft Database.

(a) The Attorney General shall establish and maintain a database of persons who have been victims of identity theft. The Office of the Attorney General shall provide a victim of identity theft or his or her authorized representative access to the database in order to establish that the person has been a victim of identity theft. Access to the database shall be limited to criminal justice agencies including law enforcement agencies, victims of identity theft, and persons and agencies authorized by the victims.

(b) In order for a victim of identity theft to be included in the database established under subsection (a) of this Section, he or she shall submit to the Attorney General a court
order obtained under any provision of law, a full set of fingerprints, and any other information prescribed by the Attorney General.

(c) Upon receiving information under subsection (a) of this Section, the Office of the Attorney General shall verify the identity of the victim against any driver's license or other identification record maintained by the Secretary of State.

Section 100. The Illinois Identification Card Act is amended by changing Section 11 as follows:

(15 ILCS 335/11) (from Ch. 124, par. 31)
Sec. 11. The Secretary may make a search of his records and furnish information as to whether a person has a current Standard Illinois Identification Card or an Illinois Person with a Disability Identification Card then on file, upon receipt of a written application therefor accompanied with the prescribed fee. However, the Secretary may not disclose medical information concerning an individual to any person, public agency, private agency, corporation or governmental body unless the individual has submitted a written request for the information or unless the individual has given prior written consent for the release of the information to a specific person or entity. This exception shall not apply to: (1) offices and employees of the Secretary who have a need to know the medical information in performance of their official duties, or (2)
orders of a court of competent jurisdiction. When medical information is disclosed by the Secretary in accordance with the provisions of this Section, no liability shall rest with the Office of the Secretary of State as the information is released for informational purposes only.

The Secretary may release personally identifying information or highly restricted personal information only to:

1. officers and employees of the Secretary who have a need to know that information;
2. other governmental agencies for use in their official governmental functions;
3. law enforcement agencies that need the information for a criminal or civil investigation;
4. the State Board of Elections for the sole purpose of providing the signatures required by a local election authority to register a voter through an online voter registration system; or
5. the Attorney General as necessary for compliance with Section 10 of the Attorney General Identity Theft Database Act; or
6. any entity that the Secretary has authorized, by rule, to receive this information.

The Secretary may not disclose an individual's social security number or any associated information obtained from the Social Security Administration without the written request or consent of the individual except: (i) to officers and employees
of the Secretary who have a need to know the social security
number in the performance of their official duties; (ii) to law
enforcement officials for a lawful civil or criminal law
enforcement investigation if the head of the law enforcement
agency has made a written request to the Secretary specifying
the law enforcement investigation for which the social security
number is being sought; (iii) under a lawful court order signed
by a judge; or (iv) to the Illinois Department of Veterans'
Affairs for the purpose of confirming veteran status.
(Source: P.A. 97-739, eff. 1-1-13; 97-1064, eff. 1-1-13;
98-115, eff. 7-29-13; 98-463, eff. 8-16-13.)

Section 105. The Illinois Vehicle Code is amended by
changing Section 2-109.1 as follows:

(625 ILCS 5/2-109.1)
Sec. 2-109.1. Exchange of information.
(a) The Secretary of State shall exchange information with
the Department of Healthcare and Family Services which may be
necessary for the establishment of paternity and the
establishment, modification, and enforcement of child support
orders pursuant to the Illinois Public Aid Code, the Illinois
Marriage and Dissolution of Marriage Act, the Non-Support of
Spouse and Children Act, the Non-Support Punishment Act, the
Revised Uniform Reciprocal Enforcement of Support Act, the
Uniform Interstate Family Support Act, or the Illinois

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(c) The Secretary of State shall exchange information with the Office of the Attorney General which may be necessary for compliance with Section 10 of the Attorney General Identity Theft Database Act. Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for disclosure of information to the Office of the Attorney General under this subsection (c) or for any other action taken in good faith to comply with the requirements of this subsection (c).

(Source: P.A. 95-331, eff. 8-21-07.)