

ITA Legislative Report – June 1, 2020

The Illinois General Assembly was forced to cancel many weeks of the scheduled spring legislative session due to COVID-19. The General Assembly met as normally scheduled through March 5 and after canceling session days for weeks, convened for session the final week of May under special precautions designed to keep legislators and Staff safe.

The special session agenda was limited to the state budget, specific items related to the novel Coronavirus, or other issues designated as necessary or emergencies. The General Assembly was scheduled to be in Special Session Wednesday, May 26 through Friday, May 29. However, the House and Senate had to extend the schedules to finish their work. The House adjourned Saturday, May 30 and the Senate concluded its work Sunday, May 31.

Due to health concerns, all members were asked to be tested for COVID-19 before coming to Springfield and to take extra precautions while in session including wearing face coverings and also agree to self-isolate for seven days after concluding their work. The House met on the floor of the Bank of Springfield Convention Center where they had the ability to set up desks further apart than in the House Chambers and Senators were called to the Senate Chamber in small groups for votes. The public and lobbyists were limited to a couple areas to view legislative action remotely by video.

The General Assembly passed a \$42.8 billion state budget that includes short-term borrowing of up to \$5 billion with the intention of using anticipated future aid from the federal government to repay the loan. Two bills passed that included provisions directly related to telecom and broadband:

[House Bill 2174](#) provided 12-month extensions for regulatory sunsets including the Telecommunications Act, Video Competition Law and Emergency Telephone System Act. Those acts are now set to expire December 31, 2021 and the sunsets will need to be extended again next year.

[Senate Bill 2135](#) includes a provision requiring the Broadband Advisory Council to study the goal of providing no-cost universal broadband access to all residents of the state through the expansion of the state broadband competitive matching grant program to the extent determined to be feasible. It also directed the BAC to study the alternative goal of providing affordable broadband access to all residents of the state. The BAC is required to issue a report to the General Assembly by January 1, 2021.

The General Assembly is next scheduled to meet for the fall Veto Session November 17-19 and December 1-3. Given the current restrictions on meeting and large gatherings due to COVID-19,

it is unclear if the legislature will meet for the full schedule or even at all this fall and under what circumstances and precautions.

It is likely that most of the legislation in this report will resurface in 2021. We expect a very busy legislative session in 2021 for broadband and telecom issues, including the following issues:

- Telecom Act Sunset 12/31/21
- Video Competition Law Sunset 12/31/21
- Emergency Telephone System Act Sunset 12/31/21
- Small Wireless Facilities Deployment Act Sunset 06/30/21
- 5G and the potential negative health effects from small wireless facilities
- Data Privacy and Net Neutrality Proposals
- Universal Broadband Access and Affordability

ITA Key Bills:

Broadband/Telecom/Video

Bill: [HB 3492](#)

Sponsor: Rep. Aaron Ortiz

Status: House Public Utilities Committee

Position: **Oppose**

Description: Re-referred to House Rules

House Bill 3492 creates the Low-Income Broadband Assistance Program. It would provide free broadband service to families whose annual household income is at or below 100% of the federal poverty level. It would also provide a \$9.95 monthly credit for broadband service to families whose household income is between 100% and 135% of the federal poverty level or that qualify for federal lifeline proxy programs. The Dept. of Commerce & Economic Opportunity would coordinate the program and provide reimbursement to broadband service providers for the customer credits.

Bill: [HB 3877](#)

Sponsor: Rep. Thaddeus Jones

Status: Re-referred to House Rules

Position: **Oppose**

Description: Sale of Rights to Muni Assets

House Bill 3877 provides that the city council of a municipality may not adopt an ordinance or resolution selling the right to use or profit from a municipal asset, including, but not limited to, water resources, without first conducting a public hearing followed by a referendum approving the sale at the election next following the public hearing.

Bill: [HB 4152](#)

Sponsor: Rep. Didech

Status: Re-referred to House Rules

Position: Neutral

Description: Early Cancellation Fees – Death

House Bill 4152 prohibits providers of telephone, cellular telephone, television, Internet, energy or water services from imposing a fee for termination or early cancellation of a service contract in the event the customer has deceased before the end of the contract.

Bill: [HB 4669](#)

Sponsor: Rep. Burke

Status: House Rules Committee

Position: Neutral

Description: ROTA – Prepaid Telephone

House Bill 4669 provides that the term "prepaid telephone calling arrangements" includes only telephone or telecommunications services obtained through the purchase of a prepaid phone, calling card, or other item of tangible personal property. This appears to be a vehicle bill.

Bill: [HB 4918](#)

Sponsor: Rep. McDermed

Status: House Rules Committee

Position: Oppose

Description: Utility – Road Construction

House Bill 4918 provides that if the Department of Transportation requests that a public utility relocate any of the public utility's existing infrastructure for a State-approved road construction project, that public utility must complete that relocation within 30 days after the request. Provides that if it is not feasible for the public utility to comply with the request within 30 days, the public utility must contact the Department of Transportation to coordinate a plan to limit the delay.

Bill: [HB 5097](#)

Sponsor: Rep. Severin

Status: Re-referred to House Rules

Position: Neutral

Description: Ban Call Spoofing

House Bill 5097 bans the practice of call spoofing. Provides that call spoofing is the practice of failing to transmit or cause be transmitted the true telephone number.

Bill: [HB 5139](#) (SB 3777 is a companion bill)

Sponsor: Rep. Walsh

Status: Re-referred to House Rules

Position: Support

Description: Telecom Sunset Extensions

House Bill 5139 extends the repeal date of the Cable and Video Competition Law of 2007 from December 31, 2020 to December 31, 2025, extends the expiration date of Illinois Commerce

Commission authorizations to provide cable and video services from December 31, 2023 to December 31, 2028, and extends the repeal date of the Universal Telephone Service Protection Law of 1985 from December 31, 2020 to December 31, 2025.

Bill: [HB 5319](#) (SB 2531 and SB 2268 are companion bills)

Sponsor: Rep. Mah

Status: Re-referred to House Rules

Position: Oppose

Description: Modem/Router Equipment Rental

House Bill 5319 provides that cable or video providers shall cease charging customers for modems and routers, whether rented together or separately, when the customer has paid to the provider the wholesale cost of the modem or router, or modem and router if rented together, plus a reasonable mark-up not to exceed 5% of the modem, router, or modem and router wholesale cost to the provider. [SB 2268](#) is a duplicate bill, also assigned to the Senate Telecommunications & IT Committee. Both bills are very similar to [HB 3503](#) from 2017, which failed on a 39-68-4 vote in the House of Representatives.

Bill: [HB 5395](#)

Sponsor: Rep. Parkhurst

Status: House Rules Committee

Position: Neutral

Description: Autodialer – Caller ID – Consent

House Bill 5395 prohibits an autodialer from providing inaccurate caller ID information. It provides that it is a violation of the Act to play a recorded message placed by an autodialer without the (i) prior express consent of the called party or (ii) the prior express written consent of the called party if the call is a call that delivers a health care message made by, or on behalf of, a covered entity or its business associate as those terms are defined in a specified provision of the Health Insurance Portability and Accountability Act of 1996.

Bill: [HB 5770](#)

Sponsor: Rep. Ford

Status: House Rules Committee (*see note below)

Position: Neutral

Description: Universal No-Cost Broadband

House Bill 5770 directs the Broadband Advisory Council to develop a plan to provide access to broadband services at no cost to all Illinois residents. The legislation requires that priority be given to zip codes identified as having high levels of poverty and areas lacking the infrastructure necessary to meet requirements for high-speed access to the Internet. The bill also requires the Council to identify existing and new streams of State revenue necessary to implement the plan.

*Similar language was included in [SB 2135](#), which is referred to in the narrative of the report. SB 2135 passed both Houses and was signed into law by Governor Pritzker as Public Act [101-0640](#).

Bill: [SB 2265](#)

Sponsor: Sen. Curran

Status: Senate Assignments Committee

Position: **Oppose**

Description: Protecting First Responders Act

Senate Bill 2265 creates the Protecting First Responders Act. The bill prohibits any business from using, storing or manufacturing specified chemicals in excess of 100 pounds within a distance of 1,000 feet of a municipal police or fire station, unless the corporate authorities of any county or municipality define distance requirements that conflict with the Act. Any business that operates in violation of the Act shall be liable for a civil penalty not to exceed \$50,000 for each violation, and an additional civil penalty not to exceed \$1,000 for each day during which such violation continues.

Bill: [SB 2531](#) (HB 5319 is a companion bill)

Sponsor: Sen. Castro

Status: Senate Assignments Committee

Position: **Oppose**

Description: Modem/Router Equipment Rental

Senate Bill 2268 provides that cable or video providers shall cease charging customers for modems and routers, whether rented together or separately, when the customer has paid to the provider the wholesale cost of the modem or router, or modem and router if rented together, plus a reasonable mark-up not to exceed 5% of the modem, router, or modem and router wholesale cost to the provider. [SB 2268](#) is a duplicate bill, also assigned to the Senate Telecommunications & IT Committee. Both bills are very similar to [HB 3503](#) from 2017, which failed on a 39-68-4 vote in the House of Representatives.

Bill: [SB 2908](#)

Sponsor: Sen. Bennett

Status: Senate Assignments Committee

Position: **Oppose**

Description: Utilities – Cable Providers

Senate Bill 2908 prohibits a cable or video provider from imposing an early termination fee or penalty when the provider has stopped providing a broadcast station during normal operating conditions that was provided to the subscriber at the time the subscriber entered into the service agreement.

Bill: [SB 3340](#)

Sponsor: Sen. McConchie

Status: Senate Assignments Committee

Position: Neutral

Description: Telemarketer – Disclosure – Privacy

Senate Bill 3340 creates the Telemarketing Disclosure and Privacy Act. The legislation provides that telemarketers may not interfere or circumvent the capability of a caller identification device or service, fail to provide caller identification information or cause misleading information to be transmitted to a caller identification service or device. Provides for the Illinois Commerce Commission to receive and investigate complaints and impose an administrative penalty not to exceed \$1,000 for each violation.

Bill: [SB 3484](#)

Sponsor: Sen. Landek

Status: Senate Assignments Committee

Position: [Support](#)

Description: Criminal Code – Critical Infrastructure

Senate Bill 3484 creates the offense of criminal damage to a critical infrastructure facility for a person who intentionally damages, destroys or tampers with equipment in a critical infrastructure facility. The legislation provides that a violation is: (1) a Class 4 felony when the damage to property does not exceed \$500; (2) a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; and (3) a Class 2 felony when the damage to property exceeds \$10,000. The bill provides that a person may be liable in any civil action for damages to the owner of the critical infrastructure facility resulting from a violation. The legislation also establishes civil and criminal penalties for criminal trespass to a critical infrastructure facility and aggravated criminal trespass to a critical infrastructure facility.

Bill: [SB 3754](#)

Sponsor: Sen. Glowiak Hilton

Status: Senate Assignments Committee

Position: Neutral

Description: Phone Solicitation – Spoofing

Senate Bill 3754 provides a person, business, or organization may not spoof a caller's information or otherwise misrepresent the origin of a telemarketing call unless the person, business, or organization has the right to use the name and phone number displayed. The legislation requires telephone solicitations placed in a manner other than by a live operator to immediately disclose their identity and the purpose of the call and prompt the recipient of the call to consent to the solicitation.

Bill: [SB 3777](#) (HB 5139 is a companion bill)

Sponsor: Sen. Cunningham

Status: Senate Assignments Committee

Position: [Support](#)

Description: Telecom Sunset Extensions

Senate Bill 3777 extends the repeal date of the Cable and Video Competition Law of 2007 from December 31, 2020 to December 31, 2025, extends the expiration date of Illinois Commerce Commission authorizations to provide cable and video services from December 31, 2023 to December 31, 2028, and extends the repeal date of the Universal Telephone Service Protection Law of 1985 from December 31, 2020 to December 31, 2025.

Wireless

Bill: [HB 4653](#)

Sponsor: Rep. Mazzochi

Status: Re-referred to House Rules Committee

Position: [Oppose](#)

Description: Small Wireless Facilities - Hearing

House Bill 4653 creates the Local Control, Protection, and Empowering Law in the Small Wireless Facilities Deployment Act. The bill provides that property owners may, by petition, require a public hearing prior to an authority's approval or denial of the installation of a small wireless facility in an area zoned exclusively for residential purposes. It requires the petition to include 250 signatures of the

property owners or 40% of the property owners, whichever is less, within 1,000 feet of where the small wireless facility would be installed. The hearing shall not interfere with the requirement that an authority approve or deny an application within specified timeframes.

Bill: [HB 4668](#)

Sponsor: Rep. Burke

Status: House Rules Committee

Position: Neutral

Description: Mobile Telecom – Federal Regs

House Bill 4668 amends the Mobile Telecommunications Sourcing Conformity Act by making changes to the definition of "charges for mobile telecommunications services" to conform to the Code of Federal Regulations (currently, the Code of Federal Regulations as in effect on June 1, 1999). This appears to be a vehicle bill.

Bill: [HB 4873](#)

Sponsor: Rep. Willis

Status: Re-referred to House Rules Committee

Position: Oppose

Description: School Wireless Telecommunications Amplifier Act

House Bill 4873 requires wireless communications carriers to provide and install bidirectional amplifiers in a school upon request of a school administrator and at no cost to the school to support adequate radio or wireless telephone communications for public safety providers.

Bill: [SB 3298](#)

Sponsor: Sen. Glowiak Hilton

Status: Senate Assignments Committee

Position: Oppose

Description: Small Wireless Facilities – Install

Senate Bill 3298 modifies the definition of "collocate" or "collocation," adds a definition of "structure" and changes various references of "collocate" or "collocation" to "install" or "installation." The bill provides that an authority may require in a residential historic district that a small wireless facility be collocated on an existing utility pole or existing wireless support structure within 850 feet of the proposed installation or, if no such wireless support structure exists, the authority may reject the application.

Bill: [SJR 55](#)

Sponsor: Sen. Glowiak Hilton

Status: Senate Assignments Committee

Position: Neutral

Description: 5G Task Force

Senate Joint Resolution 55 creates the 5G Task Force to identify any major health risks associated with the proliferation of 5G infrastructure in the State of Illinois. The task force is comprised of 8 legislators, one member from the Illinois Dept. of Public Health, one member from the Illinois Dept. of Innovation & Technology, one member who is considered to be an expert in the field of radiology and one member

who is considered to be an expert in the field of electrical engineering and is employed as a professor of the subject. The task force shall issue a final report to the GA by Jan. 1, 2021 and be dissolved.

9-1-1

Bill: [HB 2402](#)

Sponsor: Rep. Ryan Spain

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Emergency Consolidation Exempt

House Bill 2402 would exempt Stark County from the PSAP consolidation requirements in statute.

Bill: [HB 5157](#)

Sponsor: Rep. Willis

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Emergency Telephone System Act

House Bill 5157 is a rewrite of the Emergency telephone System Act governing 9-1-1 services. The bill extends the repeal of the Act from December 31, 2020 to December 31, 2023. It updates a number of definitions in preparation of Next Generation 9-1-1 services and based on the implementation of the consolidation requirements in the current Act. It makes minor changes to the composition of the 9-1-1 Advisory Board and establishes training, certification and continuing education for dispatchers.

Data Privacy

Bill: [HB 2736](#)

Sponsor: Rep. Buckner

Status: Re-referred to House Rules Committee

Position: Oppose

Description: Right to Know/Data Transparency and Privacy Protection Act

House Bill 2736, the Illinois Right to Know Data Transparency and Privacy Protection Act, requires an operator of a commercial website or online service that collects personally identifiable information about customers who reside in Illinois to disclose all categories of personal information collected and the names of the third parties that received the personal information available to a customer within 30 days of a request. Nothing in this Act shall be deemed to apply to the activities of an individual or entity to the extent that those activities are subject to Section 222 or 631 of the federal Communications Act of 1934.

Bill: [HB 3923](#)

Sponsor: Rep. Cabello

Status: House Rules Committee

Position: Oppose

Description: Public Safety & Justice Privacy

House Bill 3923 creates the Public Safety and Justice Privacy Act. The legislation provides that government agencies, persons, businesses, and associations shall not publicly post or display publicly

available content that includes a law enforcement officer's, prosecutor's, public defender's, or probation officer's ("officials") personal information, provided that the government agency, person, business, or association has received a written request from the person that it refrain from disclosing the person's personal information. Provides that it is a Class 3 felony for any person to knowingly publicly post on the Internet, the personal information of an official or an official's immediate family under specified circumstances.

Bill: [HB 5288](#)

Sponsor: Rep. Burke

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Data Privacy Act

House Bill 5288 creates the Data Privacy Act. The legislation applies to any entity Illinois that controls or processes personal data of 100,000 or more consumers or derives over 50% of gross revenue from the sale of personal data and processes or controls personal data of 25,000 or more consumers. It provides for the regulation of the use and sale of personal data including consumer rights to 1) copies of information held by persons who control and process data, 2) the correction of inaccurate data 3) the deletion of data, 4) restrictions on the use of personal data, and 5) objection to processing of data. Consumer requests must be completed within 30 days and free of charge to the consumer. The Act will be enforced by the Attorney General and violations are subject to a civil penalty of \$2500/each violation and \$7500/each intentional violation which are to be deposited into a new Consumer Privacy Fund. The legislation also requires data controllers to conduct risk assessments. Preempts home rule and provides that the regulation of data use and privacy are exclusive powers and functions of the State.

Bill: [HB 5374](#) (SB 3592 is companion bill)

Sponsor: Rep. Durkin

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Biometric Information Privacy Act – Procedure – Limit Damages (IL Chamber Initiative)

House Bill 5374 amends the Biometric Information Privacy Act by limiting damages that may be brought in a civil action. It provides that an action brought under the Act shall be commenced within one year after the cause of action accrued if, prior to initiating any action against a private entity, the aggrieved person provides a private entity 30 days' written notice identifying the specific provisions the aggrieved person alleges have been or are being violated. If within the 30 days the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. If a private entity continues to violate the Act in breach of the express written statement, the aggrieved person may initiate an action against the private entity to enforce the written statement and may pursue statutory damages for each breach of the express written statement and any other violation that postdates the written statement. The legislation provides that a prevailing party may recover: against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages, whichever is greater); or against a private entity that willfully (rather than intentionally or recklessly) violates the Act, actual damages plus liquidated damages up to the amount of actual damages (rather

than liquidated damages of \$5,000 or actual damages, whichever is greater). The Act would not apply to a private entity if the private entity's employees are covered by a collective bargaining agreement that provides for different policies regarding the retention, collection, disclosure, and destruction of biometric information.

Bill: [HB 5375](#) (SB 3593 is companion bill)

Sponsor: Rep. Durkin

Status: House Rules Committee

Position: Neutral

Description: Biometric Information Privacy Act – Violation (IL Chamber Initiative)

House Bill 5374 amends the Biometric Information Privacy Act by removing the right to private action. The legislation provides instead that any violation that results from the collection of biometric information by an employer for employment, human resources, fraud prevention, or security purposes is subject to the enforcement authority of the Department of Labor. The bill provides that an employee or former employee may file a complaint with the Department a violation by submitting a signed, completed complaint form within one year from the date of the violation. The Act would not apply to a private entity if the private entity's employees are covered by a collective bargaining agreement that provides for different policies regarding the retention, collection, disclosure, and destruction of biometric information.

Bill: [HB 5497](#)

Sponsor: Rep. Ann Williams

Status: Re-referred to House Rules Committee

Position: Oppose

Description: Geolocation Privacy Protection Act

House Bill 5497 creates the Geolocation Privacy Protection Act. The legislation provides that a private entity that owns, operates, or controls a location-based application on a user's device may not disclose geolocation information from a location-based application to a third party unless the private entity first receives the user's affirmative express consent after providing clear and accurate notice that informs the user the geolocation information will be disclosed, the purpose for which the geolocation information will be disclosed and identifies the names and categories of private entities to which geolocation information may be disclosed. The bill provides enforcement authority to the Attorney under the Consumer Fraud and Deceptive Business Practices Act. There shall be no private right of action to enforce a violation under the Act. The bill provides that the Act does not modify, limit, or supersede the operation of any other Illinois law or prevent a party from otherwise seeking relief under the Code of Civil Procedure.

Bill: [HB 5603](#) (SB 3299 is a companion bill)

Sponsor: Rep. Mussman

Status: House Rules Committee

Position: Oppose

Description: Consumer Privacy Act

House Bill 5603 creates the Consumer Privacy Act:

- Provides that a consumer has the right to request that a business disclose to that consumer the categories and specific pieces of personal information the business has collected.
- Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Also, requires the business to provide notice when collecting additional categories of personal information or when using a consumer's personal information for additional purposes.
- Provides that a consumer has the right to request that a business delete any personal information about the consumer that the business has collected from the consumer and direct any service providers to delete the consumer's personal information from their records, with some exceptions if necessary to maintain the information.
- Requires a business that collects or sells a consumer's personal information to disclose to the consumer upon request:
 - The categories of personal information collected
 - The categories of sources from which personal information is collected
 - The business purpose for collecting or selling personal information
 - The categories of third parties with whom the business shares personal information
 - The specific pieces of personal information collected
- Provides that a consumer has the right, at any time, to opt out of the sale of personal information to third parties.
- Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Permits a business to provide financial incentives to a consumer that authorizes the sale of his or her personal information.
- Provides for enforcement by the Attorney General and for civil actions brought by consumers.

Bill: [HB 5638](#)

Sponsor: Rep. Pappas

Status: House Rules Committee

Position: Oppose

Description: Internet Confidentiality

House Bill 5638 provides that Internet service provider offering services to an Illinois consumer shall keep all customer information confidential unless written consent is provided by the customer. A violation is a violation of the Consumer Fraud and Deceptive Business Practices Act and is subject to a \$500 penalty for each violation.

Bill: [SB 1719](#)

Sponsor: Sen. Cristina Castro/Rep. Chris Welch

Status: House Rules Committee (Passed Senate 39-14)

Position: Oppose

Description: Keep Internet Devices Safe Act

Senate Bill 1719 creates the Keep Internet Devices Safe Act. The legislation prohibits any private entity from turning on or enabling a digital device's microphone to listen for or collect information unless a user first agrees to the following information in a consumer agreement or privacy notice:

- that the microphone will be turned on or enabled
- what command or action will turn on or enable the microphone
- the categories of sounds the microphone will be listening for, recording, or disclosing
- the categories of third parties to which the sounds may be disclosed

The legislation defines a microphone as any instrument capable of detecting sound waves. The Attorney General will have exclusive authority to enforce the act.

Bill: [SB 2263](#)

Sponsor: President Harmon

Status: Senate Assignments Committee

Position: Neutral

Description: Data Privacy Act

Senate Bill 2263 creates the Data Privacy Act. The legislation applies to any business in Illinois that controls or possesses the data of 100,000 or more consumers or derives more than 50% of gross revenue from the sale of personal data and processes or controls personal data of 25,00 or more consumers. The legislation strictly regulates the use and sale of personal data:

- Upon request, an entity must confirm to the consumer if personal data is being processed or sold and where such information is being processed. The entity must provide the consumer access to the personal data the entity maintains upon request.
- Upon request, the entity must provide to the consumer a copy of the personal data the entity maintains
- Requires the entity to correct inaccurate personal data upon request
- Requires the entity to delete personal data under certain circumstances

Violations of the Act are enforced by the Attorney General. The legislation allows for civil penalties up to \$2500 for each violation or up to \$7500 for each intentional violation. The bill preempts home rule and provides that the regulation of data use and privacy are exclusive powers and functions of the State.

Bill: [SB 2273](#)

Sponsor: Sen. Castro

Status: Senate Assignments Committee

Position: **Oppose**

Description: Automatic Listening Exploitation Act

Senate Bill 2273 creates the Automatic Listening Exploitation Act. The bill provides that it is unlawful for a person who provides any smart service through a proprietary smart speaker to:

- store or make a recording or transcript of any speech or sound captured by a smart speaker unless the smart speaker is specifically activated or
- to use the recording or transcript of any voice interaction by a user or 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.

The bill also makes it unlawful for a person who provides any security monitoring or other service through a proprietary video doorbell to:

- store or make a recording of any video, image, or audio captured by the video doorbell's camera, unless the video doorbell is specifically activated or
- 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 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.

Bill: [SB 2330](#)

Sponsor: Sen. Tom Cullerton

Status: Senate Assignments Committee

Position: **Oppose**

Description: Right to Know / Data Transparency and Privacy Act

Senate Bill 2330 creates the Data Transparency and Privacy Act. It applies to any private entity

- that collects or discloses the personal information of 50,000 or more persons, Illinois households, or combination thereof
- derives 50% or more of its annual revenue from selling consumers' personal information.

The bill provides numerous regulatory provisions for qualifying businesses with regard to consumer notification and handling of personal information:

Right to Transparency: Requires notice to the consumer of the following specific information in the service agreement, website or mobile application:

1. All categories of personal information the business processes
2. All categories of affiliates and third parties with whom the business may disclose or sell personal information
3. The process by which a consumer may review the personal information, request changes to inaccurate personal information, opt-out of the disclosure or sale of personal information and request the deletion of personal information

Right to Know: Consumers may request the following information:

1. Copies of personal information collected
2. Categories of sources for the personal information
3. Name & Contact information for each third party and affiliate to whom the personal information is disclosed or sold

Right to Opt-Out: Consumers have the following rights concerning their personal information:

1. Consumers have the right to opt out of agreements that entail the disclosure of personal information from the business to third parties and affiliates, the sale of personal information from the business to third parties and affiliates, and the processing of personal information by the business, third parties, and affiliates.
2. Consumers have the right to request that a business correct inaccurate personal information about the consumer

3. Consumers have the right to request that a business delete personal information about the consumer

The legislation includes additional restrictions and regulations regarding the use of personal information and requires businesses, affiliates, and third parties to conduct risk assessments and provides the requirements for the assessments which must be made available to the Attorney General. Provides that enforcement of the Act may arise through private actions or enforcement by the Attorney General. The legislation contains home rule preemption and severability provisions and has an effective date of July 1, 2021.

Bill: [SB 3223](#)

Sponsor: Sen. Castro

Status: Senate Assignments Committee

Position: Neutral

Description: Data Privacy Day

Senate Bill 3223 designates January 28 of each year as Data Privacy Day to be observed throughout the State as a day in recognition of the right of Illinois citizens to be secure in the privacy of their personal data.

Bill: [SB 3299](#) (HB 5603 is a companion bill)

Sponsor: Sen. Fine

Status: Senate Assignments Committee

Position: Oppose

Description: Consumer Privacy Act

Senate Bill 3299 creates the Consumer Privacy Act:

- Provides that a consumer has the right to request that a business disclose to that consumer the categories and specific pieces of personal information the business has collected.
- Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Also, requires the business to provide notice when collecting additional categories of personal information or when using a consumer's personal information for additional purposes.
- Provides that a consumer has the right to request that a business delete any personal information about the consumer that the business has collected from the consumer and direct any service providers to delete the consumer's personal information from their records, with some exceptions if necessary to maintain the information.
- Requires a business that collects or sells a consumer's personal information to disclose to the consumer upon request:
 - The categories of personal information collected
 - The categories of sources from which personal information is collected
 - The business purpose for collecting or selling personal information
 - The categories of third parties with whom the business shares personal information
 - The specific pieces of personal information collected
- Provides that a consumer has the right, at any time, to opt out of the sale of personal information to third parties.

- Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Permits a business to provide financial incentives to a consumer that authorizes the sale of his or her personal information.
- Provides for enforcement by the Attorney General and for civil actions brought by consumers.

Bill: [SB 3592](#) (HB 5374 is companion bill)

Sponsor: Sen. Barickman

Status: Senate Assignments Committee

Position: Neutral

Description: Biometric Information Privacy Act – Procedure – Limit Damages (IL Chamber Initiative)
Senate Bill 3592 amends the Biometric Information Privacy Act by limiting damages that may be brought in a civil action. It provides that an action brought under the Act shall be commenced within one year after the cause of action accrued if, prior to initiating any action against a private entity, the aggrieved person provides a private entity 30 days' written notice identifying the specific provisions the aggrieved person alleges have been or are being violated. If within the 30 days the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. If a private entity continues to violate the Act in breach of the express written statement, the aggrieved person may initiate an action against the private entity to enforce the written statement and may pursue statutory damages for each breach of the express written statement and any other violation that postdates the written statement. The legislation provides that a prevailing party may recover: against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages, whichever is greater); or against a private entity that willfully (rather than intentionally or recklessly) violates the Act, actual damages plus liquidated damages up to the amount of actual damages (rather than liquidated damages of \$5,000 or actual damages, whichever is greater). The Act would not apply to a private entity if the private entity's employees are covered by a collective bargaining agreement that provides for different policies regarding the retention, collection, disclosure, and destruction of biometric information.

Bill: [SB 3593](#) (HB 5375 is companion bill)

Sponsor: Sen. Barickman

Status: Senate Assignments Committee

Position: Neutral

Description: Biometric Information Privacy Act – Violation (IL Chamber Initiative)
Senate Bill 3593 amends the Biometric Information Privacy Act by removing the right to private action. The legislation provides instead that any violation that results from the collection of biometric information by an employer for employment, human resources, fraud prevention, or security purposes is subject to the enforcement authority of the Department of Labor. The bill provides that an employee or former employee may file a complaint with the Department a violation by submitting a signed, completed complaint form within one year from the date of the violation. The Act would not apply to a private entity if the private entity's employees are covered by a collective bargaining agreement that

provides for different policies regarding the retention, collection, disclosure, and destruction of biometric information.

Bill: [SB 3776](#)

Sponsor: Sen. Cunningham

Status: Senate Assignments Committee

Position: Neutral

Description: Biometric Information Privacy Act – Right of Action – Recovery (IL Chamber Initiative)
Senate Bill 3776 amends the Biometric Information Privacy Act. It provides that a prevailing party may only recover liquidated damages of \$1,000 or actual damages, whichever is greater, for negligent violation of the Act against a private entity offending party that is not a current or former employer of the prevailing party. Provides that a prevailing party may only recover actual damages against a private entity offending party that is the current or former employer of the prevailing party and that negligently violates the Act.

Bill: [SB 3896](#)

Sponsor: Sen. Hastings

Status: Senate Assignments Committee

Position: Oppose

Description: Personal Info Breach – Report

Senate Bill 3896 provides that data collectors that maintain or store, but do not own or license, computerized data that includes personal information and that are required to issue notice pursuant to this Section to the owner or licensee of the information that there has been a breach of the security of the data shall notify the Attorney General regarding the breach.

Bill: [HR 681](#)

Sponsor: Rep. Ann Williams

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Data Privacy Day

House Resolution 681 urges Illinois to continue to be a leader in the protection of the privacy of its citizens by codifying the Illinois Constitution's fundamental right of privacy which includes the right to consent before private data is collected, right to know with whom data is shared and sold, the right to have a company delete data upon request, the right to opt-in to having data collected, shared or sold and the right to data portability. The resolution declares January 28, 2020 as "Data Privacy Day" in the State of Illinois.

Cybersecurity/State Procurement

Bill: [HB 3934](#) (HB 5396 & SB 2778 are companion bills)

Sponsor: Rep. Willis

Status: Re-referred to House Rules Committee

Position: Neutral

Description: IEMA – Disaster – Cyber Attack

House Bill 3934 as amended would include “Cyber Attack” in the list of events and disasters to which the Governor, to the greatest extent practicable, may delegate or assign authority to the Director of IEMA to manage, coordinate, and direct all resources by orders issued at the time of a disaster.

Bill: [HB 4442](#) (SB 3348 is a companion bill)

Sponsor: Rep. Andrade

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Dept. of Innovation & Technology

House Bill 4442 updates the Department of Innovation and Technology Act. DoIT was established by Executive Order [2016-001](#) and this act provides for the implementation of the EO. The amendments to the act in HB 4442 expand the powers and duties of DoIT, particularly regarding the procurement of IT for state agencies:

- Requires DoIT to develop and implement standards, policies and procedures to protect state data
- Requires DoIT to provide the Governor with timely, comprehensive and meaningful information for IT fiscal policy. For this responsibility, the legislation provides DoIT with the power to do the following:
 - Control procurement for IT equipment
 - Establish standards for IT reporting
 - Establish pricing and charges for IT related services and reports
 - Instructs all state agencies to report to DoIT their usage of IT, costs incurred, information produced, and procedures followed
 - Instructs all state agencies to request assistance and consultation from DoIT when securing IT
 - Requires DoIT to examine accounts and IT data of any organization, body or agency receiving state appropriations from the General Assembly
- Requires DoIT to analyze and present future need and requirements of IT and related equipment by the State and to formulate a master plan and engage in a continuing analysis of the master plan

Bill: [HB 4443](#)

Sponsor: Rep. Andrade

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Cybersecurity – Information Technology – DoIT

House Bill 4443 does several things:

- Adds cybersecurity vulnerabilities to the list of items exempted under certain circumstances under the Freedom of Information Act.
- The legislation establishes a Technology, Education and Cybersecurity Fund to be used by DoIT to promote and effectuate IT activities. It allows DoIT to accept grants and donations of services, equipment, supplies, materials or funds from the federal government or from any person or

business to be used to promote IT or IT education and exempts the donations from the Procurement Code.

- Requires every local government with a population of 35,000 or greater to designate a local official or employee as the primary point of contact for cybersecurity issues
- Provides DoIT shall establish a cybersecurity liaison program to advise and assist local governments and school districts in identifying cyber threats, performing risk assessments, sharing best practices and responding to cyber incidents
- Requires every employee of a county, municipality and school district to annually complete cybersecurity training. DoIT will make a training program available, which the entities may use.

Bill: [HB 5204](#)

Sponsor: Rep. Wheeler

Status: Re-referred to House Rules Committee

Position: Neutral

Description: Cybersecurity – Legal Defense

House Bill 5024 creates the Cybersecurity Compliance Act. The legislation creates an affirmative defense for every covered entity that creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, and physical safeguards for the protection of either personal information or both personal information and restricted information and that reasonably conforms to an industry-recognized cybersecurity framework.

Bill: [HB 5396](#) (HB 5396 & SB 2778 are companion bills)

Sponsor: Rep. Wheeler

Status: House Rules Committee

Position: Neutral

Description: IEMA – Cyber Attack

House Bill 5396 amends the Illinois Emergency management Agency Act to include “Cyber Attack” to the list of events and disasters to which the Governor, to the greatest extent practicable, may delegate or assign command authority to the Director of IEMA by orders issued at the time of a disaster.

Bill: [HB 5398](#)

Sponsor: Rep. Wehrli

Status: House Rules Committee

Position: Neutral

Description: Cyber Reserve

House Bill 5398 creates the Illinois Cyber Reserve Act and establishes the Illinois Cyber Reserve, to be administered by the Illinois Emergency Management Agency. The bill allows IEMA to accept volunteers by invitation of IEMA to serve in the Illinois Cyber Reserve and to deploy volunteers upon the occurrence of a cybersecurity incident. The bill establishes volunteer requirements regarding confidentiality and conflicts of interest, and it requires criminal history checks for volunteers. Volunteers are not liable for civil damages. Requires volunteers to provide assistance for 6 years from the time of deployment or for the time required under the Agency's record retention policies, whichever is longer, and assistance to be for 7 days unless a different period is specified in writing. The bill allows IEMA to enter into contracts with clients, provide training to individuals, and establish a fee schedule for clients.

Bill: [SB 2778](#) (HB 3934 & HB 5396 are companion bills)

Sponsor: Sen. Hastings

Status: Senate Assignments Committee

Position: Neutral

Description: IEMA – Disaster – Cyber Attack

Senate Bill 2778 amends the Illinois Emergency management Agency Act to include “Cyber Attack” to the list of events and disasters to which the Governor, to the greatest extent practicable, may delegate or assign command authority to the Director of the IEMA by orders issued at the time of a disaster.

Bill: [SB 3348](#) (HB 4442 is companion bill)

Sponsor: Sen. Sims

Status: Senate Assignments Committee

Position: Neutral

Description: Dept. of Innovation & Technology

Senate Bill 3348 updates the Department of Innovation and Technology Act. DoIT was established by Executive Order [2016-001](#) and this act provides for the implementation of the EO. The amendments to the act in SB 3348 expand the powers and duties of DoIT, particularly regarding the procurement of IT for state agencies:

- Requires DoIT to develop and implement standards, policies and procedures to protect state data
- Requires DoIT to provide the Governor with timely, comprehensive and meaningful information for IT fiscal policy. For this responsibility, the legislation provides DoIT with the power to do the following:
 - Control procurement for IT equipment
 - Establish standards for IT reporting
 - Establish pricing and charges for IT related services and reports
 - Instructs all state agencies to report to DoIT their usage of IT, costs incurred, information produced, and procedures followed
 - Instructs all state agencies to request assistance and consultation from DoIT when securing IT
 - Requires DoIT to examine accounts and IT data of any organization, body or agency receiving state appropriations from the General Assembly
- Requires DoIT to analyze and present future need and requirements of IT and related equipment by the State and to formulate a master plan and engage in a continuing analysis of the master plan

Bill: [SB 3518](#) (HB 4443 is companion bill)

Sponsor: Sen. Sims

Status: Senate Assignments Committee

Position: Neutral

Description: Cybersecurity – Information Technology – DoIT

Senate Bill 3518 does several things:

- Adds cybersecurity vulnerabilities to the list of items exempted under certain circumstances under the Freedom of Information Act.
- The legislation establishes a Technology, Education and Cybersecurity Fund to be used by DoIT to promote and effectuate IT activities. It allows DoIT to accept grants and donations of services, equipment, supplies, materials or funds from the federal government or from any person or business to be used to promote IT or IT education and exempts the donations from the Procurement Code.
- Requires every local government with a population of 35,000 or greater to designate a local official or employee as the primary point of contact for cybersecurity issues
- Provides DoIT shall establish a cybersecurity liaison program to advise and assist local governments and school districts in identifying cyber threats, performing risk assessments, sharing best practices and responding to cyber incidents
- Requires every employee of a county, municipality and school district to annually complete cybersecurity training. DoIT will make a training program available, which the entities may use.