

104TH GENERAL ASSEMBLY
State of Illinois
2025 and 2026
HB5521

Introduced , by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

15 ILCS 335/11

from Ch. 124, par. 31

625 ILCS 5/6-110.1

Creates the Illinois Biometric Surveillance Act. Provides that law enforcement agencies may not obtain, retain, possess, access, request, use, or enter into an agreement with a third party, State or local government agency, or federal agency to obtain, retain, possess, access request, or use a biometric identification system. Provides a private right of action and for enforcement by the Attorney General. Amends the Illinois Identification Card Act and the Illinois Vehicle Code to provide that the Secretary of State may not provide facial recognition search services except for verification of an individual's identity when issuing a mobile driver's license or identification card.

LRB104 20226 JRC 33677 b

A BILL FOR

HB5521

LRB104 20226 JRC 33677 b

1 AN ACT concerning civil law.

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 Illinois Biometric Surveillance Act.

6 Section 5. Definitions. As used in this Act:

7 "Biometric identification system" means any combination of
8 hardware, software, firmware, application, or tools used to
9 obtain, collect, process, store, transmit, display, share,
10 access, compare, verify, or otherwise handle biometric
11 information or biometric identifiers.

12 "Biometric identifier" means a retina or iris scan,
13 fingerprint, voiceprint, or scan of hand or face geometry.

14 "Biometric information" means any information, regardless
15 of how it is captured, converted, stored, or shared, based on
16 an individual's biometric identifier used to identify an
17 individual.

18 "Law enforcement agency" means a State or local agency,
19 unit of local government, or private entity charged with the
20 enforcement of State, county, or municipal laws.

21 "State or local government agency" includes the Office of
22 the Governor and any executive office of Illinois as defined
23 by Article V of the Illinois Constitution, units of local

HB5521

- 2 -

LRB104 20226 JRC 33677 b

1 government as defined by Article VII of the Illinois
2 Constitution, and any agency, bureau, department, office,
3 school district, or division or subdivision of the State,
4 including law enforcement agencies.

5 "Third party" shall mean a person who:

6 (1) is not a governmental entity; and

7 (2) is not the person to whom the personal data
8 pertains.

9 Section 10. Use of Biometric Identification Systems.

10 (a) A law enforcement agency may not obtain, retain,
11 possess, access, request, use or enter into an agreement with
12 a third party, State or local government agency, or federal

13 agency to obtain, retain, possess, access, request, or use a
14 biometric identification system or information derived from a
15 biometric identification system.

16 (b) Subsection (a) does not apply to:

17 (1) use of a biometric identification system for
18 employment background checks, fingerprinting pursuant to
19 an arrest or conviction, or to collect forensic evidence
20 at a crime scene; or

21 (2) a law enforcement officer's use of a personal or
22 work device to verify the officer's identity for purposes
23 of user authentication.

24 Section 15. Enforcement.

HB5521

- 3 -

LRB104 20226 JRC 33677 b

1 (a) Cause of action.

2 (1) Any violation of this Act constitutes an injury,
3 and a person may institute proceedings for injunctive
4 relief, declaratory relief, or writ of mandamus in any
5 court of competent jurisdiction to enforce this Act.

6 (2) A person who has been subjected to biometric
7 identification in violation of this Act or about whom
8 biometric information or identifiers have been obtained,
9 retained, accessed, or used in violation of this Act may
10 institute proceedings in a court of competent
11 jurisdiction.

12 (b) Damages.

13 (1) A prevailing party may recover for each violation:

14 (A) against a law enforcement agency that
15 negligently violates a provision of this Act, \$1,000
16 or actual damages, whichever is greater;

17 (B) against a law enforcement agency that
18 intentionally or recklessly violates a provision of
19 this Act, \$5,000 or actual damages, whichever is
20 greater and seek injunctive or declaratory relief or
21 writ of mandamus; and

22 (C) reasonable attorney fees and costs, including
23 expert witness fees and other litigation expenses.

24 (2) A prevailing party is entitled to have the party's
25 biometric identifiers and information deleted and

1 (c) Enforcement by the Attorney General. If the Attorney
2 General has reasonable cause to believe that any State or
3 local government agency or law enforcement agency is engaged
4 in a practice prohibited by this Act, the Attorney General may
5 initiate or intervene in a civil action in any appropriate
6 court to obtain appropriate relief.

7 Section 90. The Illinois Identification Card Act is
8 amended by changing Section 11 as follows:

9 (15 ILCS 335/11) (from Ch. 124, par. 31)

10 Sec. 11. Records.

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

1 duties, or (2) orders of a court of competent jurisdiction.
2 When medical information is disclosed by the Secretary in
3 accordance with the provisions of this Section, no liability
4 shall rest with the Office of the Secretary of State as the
5 information is released for informational purposes only.

6 (b) Except as otherwise provided in this Section, the
7 Secretary may release personally identifying information only
8 to:

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

13 (2) other governmental agencies for use in their
14 official governmental functions;

15 (3) law enforcement agencies for a criminal or civil
16 investigation, except as restricted by subsections (g) and
17 (h);

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

22 (4) any entity that the Secretary has authorized, by
23 rule.

24 (c) Except as otherwise provided in this Section, the
25 Secretary may release highly restricted personal information
26 only to:

1 (1) officers and employees of the Secretary who have a
2 need to access the information for the issuance of
3 driver's licenses, permits, or identification cards and
4 investigation of fraud or misconduct;

5 (2) law enforcement officials for a criminal or civil
6 law enforcement investigation, except as restricted by
7 subsections (g) and (h);

8 (3) the State Board of Elections for the purpose of
9 providing the signature for completion of voter
10 registration; or

11 (4) any other entity the Secretary has authorized by
12 rule.

13 (c-5) The Secretary may use facial recognition to verify
14 an individual's identity when issuing a mobile driver's
15 license or identification card if the Secretary does not allow
16 any federal, State or local government agency, or third party
17 to access or otherwise use its facial recognition search

18 services.

19 (d) Documents required to be submitted with an application
20 for an identification card to prove the applicant's identity
21 (name and date of birth), social security number or lack of a
22 social security number, written signature, residency, and, as
23 applicable, citizenship and immigration status and country of
24 citizenship shall be confidential and shall not be disclosed
25 except to the following persons:

26 (1) the individual to whom the identification card was

HB5521

- 7 -

LRB104 20226 JRC 33677 b

1 issued, upon written request;

2 (2) officers and employees of the Secretary of State
3 who have a need to have access to the stored images for
4 purposes of issuing and controlling driver's licenses,
5 permits, or identification cards and investigation of
6 fraud or misconduct;

7 (3) law enforcement officials for a civil or criminal
8 law enforcement investigation, except as restricted by
9 subsections (g) and (h);

10 (4) other entities that the Secretary may authorize by
11 rule.

12 (e) The Secretary may not disclose an individual's social
13 security number or any associated information obtained from
14 the Social Security Administration without the written request
15 or consent of the individual except: (i) to officers and
16 employees of the Secretary who have a need to know the social
17 security number in the performance of their official duties;
18 (ii) except as restricted by subsections (g) and (h) to law
19 enforcement officials for a civil or criminal law enforcement
20 investigation if an officer of the law enforcement agency has
21 made a written request to the Secretary specifying the law
22 enforcement investigation for which the social security number
23 is being sought; (iii) under a lawful court order signed by a
24 judge; (iv) to the Illinois Department of Veterans Affairs for
25 the purpose of confirming veteran status to agencies in other
26 states responsible for the issuance of state identification

1 cards for participation in State-to-State verification
2 service; or (v) the last 4 digits to the Illinois State Board
3 of Elections for purposes of voter registration and as may be
4 required pursuant to an agreement for a multi-state voter
5 registration list maintenance system. The Secretary retains
6 the right to require additional verification regarding the
7 validity of a request from law enforcement. If social security
8 information is disclosed by the Secretary in accordance with
9 this Section, no liability shall rest with the Office of the
10 Secretary of State or any of its officers or employees, as the
11 information is released for official purposes only.

12 (f) The Secretary of State shall not provide facial
13 recognition search services or photographs obtained in the
14 process of issuing an identification card to any federal,
15 State, or local law enforcement agency or other governmental
16 entity for the purpose of enforcing federal immigration laws.
17 This subsection shall not apply to requests from federal,
18 State, or local law enforcement agencies or other governmental
19 entities for facial recognition search services or photographs
20 obtained in the process of issuing a driver's license or
21 permit when the purpose of the request relates to criminal
22 activity other than violations of immigration laws.

23 (g) Notwithstanding any other provision of law, the
24 Secretary may not release highly restricted personal
25 information or personally identifying information or disclose
26 documents described in subsection (d) to any immigration

1 agent, as defined in Section 10 of the Illinois TRUST Act,
2 unless necessary to comply with the following, to the extent
3 that production of such information or documents is
4 specifically required:

- 5 (1) a lawful court order;
- 6 (2) a judicial warrant signed by a judge appointed

7 pursuant to Article III of the Constitution of the United
8 States; or

9 (3) a subpoena for individual records issued by a
10 federal or State court.

11 When responding to such a court order, warrant, or
12 subpoena, the Secretary shall disclose only those documents or
13 information specifically requested. Within 3 business days of
14 receiving such a court order, warrant, or subpoena, the
15 Secretary shall send a notification to the individual about
16 whom such information was requested that a court order,
17 warrant, or subpoena was received and the identity of the
18 entity that presented the court order, warrant, or subpoena.

19 (h) The Secretary shall not enter into or maintain any
20 agreement regarding the sharing of any highly restricted
21 personal information or personally identifying information or
22 documents described in subsection (d) unless all other parties
23 to such agreement certify that the information obtained will
24 not be used for civil immigration purposes or knowingly
25 disseminated to any third party for any purpose related to
26 civil immigration enforcement.

1 (Source: P.A. 103-210, eff. 7-1-24; 104-234, eff. 8-15-25.)

2 Section 95. The Illinois Vehicle Code is amended by
3 changing Section 6-110.1 as follows:

4 (625 ILCS 5/6-110.1)

5 Sec. 6-110.1. Confidentiality of captured photographs or
6 images.

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

13 (1) the individual to whom the driver's license or
14 permit was issued, upon written request;

15 (2) officers and employees of the Secretary of State
16 who have a need to have access to the stored images for

17 purposes of issuing and controlling driver's licenses,
18 permits, or identification cards and investigation of
19 fraud or misconduct;

20 (3) law enforcement officials for a civil or criminal
21 law enforcement investigation, except as restricted by
22 Section 6-110.3;

23 (3-5) the State Board of Elections for the sole
24 purpose of providing the signatures required by a local

HB5521

- 11 -

LRB104 20226 JRC 33677 b

1 election authority to register a voter through an online
2 voter registration system;

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

9 (4) other entities that the Secretary may authorize by
10 rule.

11 (b) The Secretary of State shall not provide facial
12 recognition search services or photographs obtained in the
13 process of issuing a driver's license or permit to any
14 federal, State, or local law enforcement agency or other
15 governmental entity for the purpose of enforcing federal
16 immigration laws. This subsection shall not apply to requests
17 from federal, State, or local law enforcement agencies or
18 other governmental entities for facial recognition search
19 services or photographs obtained in the process of issuing a
20 driver's license or permit when the purpose of the request
21 relates to criminal activity other than violations of
22 immigration laws.

23 (c) The Secretary may not provide facial recognition
24 search services or photographs obtained in the process of
25 issuing a driver's license or permit to any federal, State or
26 local government agency, or third party.

1 (Source: P.A. 102-354, eff. 8-13-21; 103-210, eff. 7-1-24.)