

The NetChoice Coalition

Promoting Convenience, Choice, and Commerce on The Net

Steve DelBianco, Executive Director
1401 K St NW, Suite 502
Washington, DC 20005
202-420-7482
www.netchoice.org



February 28, 2012

Sen. Ira I. Silverstein
Chairman, Judiciary
Illinois General Assembly
Springfield, IL 62706

RE: SB 2545, *Internet Dating Safety Act*

Chairman Silverstein and members of the Committee:

I write to raise concerns with SB 2545, which was recently assigned to your committee. NetChoice traveled to Springfield to testify against a previous version of this legislation, just as we have in several other states where it has been introduced.

Despite apparently good intentions, SB 2545 is a legislative approach that suffers from two flaws.

First, SB 2545 would freeze the current state of technology and limit competition for conducting background screening that can truly protect Illinois consumers. SB 2545 would lock into Illinois law a formal definition for "Criminal background screening" based entirely on name search. But that definition would have the state lock-in a screening method that is entirely ineffective when a convicted sex offender registers with a name that's different from the name under which they were previously convicted. In fact, SB 2545 includes suggested disclaimers that acknowledge this shortcoming in using searches based on given names:

"Anyone who is able to commit identity theft can also falsify a dating profile." (Section 10)

Competing dating sites, in contrast, are developing and testing far more effective ways to validate a user's true identity, such as asking a battery of questions based on their credit reports. Moreover, 50 state Attorneys General formed a task force specifically to determine how to do online authentication that's reliable and effective, the findings of which could stimulate better background screening than the specific method mandated in SB 2545.

Second, SB 2545 would foster a false sense of security in the minds of Illinois consumers, by allowing disclaimers to be disconnected from safety claims. As noted above, SB 2545 recognizes the need for disclaimers to avoid creating a false sense of security for Illinois singles. Yet, the legislation allows companies that use name searches to "bury" the disclaimer on an internal page—while allowing them to proclaim everywhere and anywhere that they have met the Illinois' standard for "Criminal background screening".

For example, below is the present home page of True.com, the company that supported this kind of legislation across the country in prior years. In at least 3 pages (noted with arrows), True.com makes claims about its background screens.

The screenshot shows the True.com website interface. At the top, there is a navigation bar with the True logo and the tagline "LIVE. LOVE. LEARN.™". To the right of the logo is a login section with fields for "Email or Screen Name:" and "Password:", a "LOG IN" button, and a "Remember me" checkbox. Below the login section is a navigation menu with links for "MY HOME", "MY PROFILE", "MY INBOX", "SEARCH", "LIVE CHAT", "BETTER SEX", "COACHING CENTER", and "CUSTOMER CARE".

The main content area features a large banner with the headline "MEET THE ONE WHO'S RIGHT FOR YOU – RIGHT NOW." and a sub-headline "Whether you're looking for your soul mate – or just a great date – TRUE will help you find exactly what, and who, you're looking for." Below this is a section titled "Safer, smarter, more satisfying relationships" with a bulleted list of features:

- Millions of members
- Scientific compatibility testing
- Criminal screenings for felonies
We can't guarantee criminals won't get on the site, but we can guarantee [they'll be sorry if they do.](#)

Two buttons are visible: "SIGN UP FREE" and "CONTACT MEMBERS FREE". A red arrow points to the "Criminal screenings for felonies" bullet point.

Below the banner is a section titled "TRUE love & romance are just a click away!" with the text: "TRUE.com® is the only online dating service and relationship site that conducts criminal background screenings in the U.S. and Single Certification. Sign up today and make a single dating connection!"

Below that is a section titled "A dating site beyond personal ads ..." with a bulleted list of features:

- Find your most compatible matches - for dating, romance, love and more
- Coaching and matchmaking services give you expert profile and personal ad advice
- Use your webcam and get up-close and personal with live videochat
- Meet singles at the only single dating service that screens for marrieds and felons
- Browse members' personal ads, personal profiles and personal photos
- For instant gratification, use our one-click search for a single man or single woman, or get more tailored results with an advanced single search
- Find the freshest personal profiles on TRUE any time you want
- Get a head start and find single men and women who are looking for a single just like you - based on how you describe yourself in your personal profile

Two red arrows point to the first and second bullet points in this list.

At the bottom right, there is a promotional box for "SEXPLORATION™ ARE YOU WILD...OR MILD?" with the text: "TRUE's research has uncovered that there are eight different sex personalities. Take our Sexploration™ test now to find out your type – and we'll show you your hottest matches!" and a "TAKE THE TEST" button.

While SB 2545 recognizes the need for disclaimers, it would not require any disclaimer to accompany or be directly linked to claims made about online safety. Instead, the bill allows a company to boldly claim that it is following Illinois law, while burying disclaimers on a separate page "that provides a safety awareness notice". And this page would not have to be directly connected to the safety claims made.

The asymmetry in SB 2545 between disclaimers and claims is exceeded only by the imbalance between disclaimers and *disclosures* by dating services that don't use the defined form of search.

Any website that does not use the mandated name screening method would be forced to disclose on every email among members and/or member profile page the following warning in 12-point bold uppercase letters:

“THIS SERVICE DOES NOT CONDUCT CRIMINAL BACKGROUND SCREENINGS.”

Contrast that ubiquitous and alarming disclosure with the relatively obscure *disclaimer* that need appear only on one page that is optionally accessed by Illinois users. This would undoubtedly engender a false sense of security for Illinois singles.

For these compelling reasons, we oppose SB 2545.

Thank you for considering our views, and please let me know if I can provide further information for your deliberations on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve DelBianco", with a long horizontal flourish extending to the right.

Steve DelBianco
Executive Director, NetChoice

cc: members of Judiciary

NetChoice is a coalition of trade associations and e-Commerce businesses who share the goal of promoting convenience, choice and commerce on the Net. More information about NetChoice can be found at www.netchoice.org