



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3243

by Rep. Christine Winger

#### SYNOPSIS AS INTRODUCED:

50 ILCS 705/10.8 new

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall adopt language to warn bystanders of the rights of law enforcement when photographs or video are taken at a crime or accident scene. Provides that the language adopted shall state that first responders present are authorized to inform a person present at a crime or accident scene that any photograph video or photograph are liable to used and preserved for evidentiary purposes, and may be preserved by law enforcement and may not be deleted. Provides that adopted language shall state that law enforcement has the right to see the photographic or video evidence at the scene and may temporarily take custody of the device to preserve the photograph or video taken that is pertinent to the accident or crime scene. Provides that the Board shall distribute the model language created to law enforcement agencies, fire departments, and emergency medical services agencies of this State. Effective immediately.

LRB100 10331 SLF 20520 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Police Training Act is amended by  
5 adding Section 10.8 as follows:

6 (50 ILCS 705/10.8 new)

7 Sec. 10.8. Procedures for law enforcement; photograph or  
8 video at scene.

9 (a) The Board shall adopt model language to warn bystanders  
10 of the rights of law enforcement when photographs or video are  
11 taken at a crime or accident scene. The Board shall consult  
12 with the Office of the State Fire Marshal when adopting  
13 language under this Section. The model language shall be  
14 available to law enforcement and first responders when:

15 (1) an event that results in an emergency call for  
16 first responders, including law enforcement, firefighters,  
17 emergency medical responders, or any combination; and

18 (2) a person physically present at the crime or  
19 accident scene takes photographs or video of:

20 (i) the crime or accident scene;

21 (ii) persons injured by the event; or

22 (iii) items of property physically damaged at the  
23 scene.

1       (b) The language adopted shall provide that first  
2 responders present are authorized to inform a person present at  
3 a crime or accident scene that any photograph video or  
4 photograph:

5           (1) are liable to used and preserved for evidentiary  
6 purposes; and

7           (2) may be preserved by law enforcement and may not be  
8 deleted.

9       Adopted language shall state that law enforcement has the  
10 right to see photographic or video evidence at the scent and  
11 may temporarily take custody of the device to preserve the  
12 photograph or video taken that is pertinent to the accident or  
13 crime scene.

14       (c) The Board shall distribute the model language created  
15 under this Section to law enforcement agencies, fire  
16 departments, and emergency medical services agencies of this  
17 State.

18       Section 99. Effective date. This Act takes effect upon  
19 becoming law.