

# HB3366



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3366

by Rep. Tom Weber

### SYNOPSIS AS INTRODUCED:

725 ILCS 167/15

Amends the Freedom from Drone Surveillance Act. Provides that the Act does not prohibit the use of a drone by a law enforcement agency if the law enforcement agency is using the drone for pilot practice or training of a law enforcement officer or airborne photography or video for community marketing purposes or flight demonstrations for the general public.

LRB101 07621 SLF 52668 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Freedom from Drone Surveillance Act is  
5 amended by changing Section 15 as follows:

6 (725 ILCS 167/15)

7 Sec. 15. Exceptions. This Act does not prohibit the use of  
8 a drone by a law enforcement agency:

9 (1) To counter a high risk of a terrorist attack by a  
10 specific individual or organization if the United States  
11 Secretary of Homeland Security determines that credible  
12 intelligence indicates that there is that risk.

13 (2) If a law enforcement agency first obtains a search  
14 warrant based on probable cause issued under Section 108-3  
15 of the Code of Criminal Procedure of 1963. The warrant must  
16 be limited to a period of 45 days, renewable by the judge  
17 upon a showing of good cause for subsequent periods of 45  
18 days.

19 (3) If a law enforcement agency possesses reasonable  
20 suspicion that, under particular circumstances, swift  
21 action is needed to prevent imminent harm to life, or to  
22 forestall the imminent escape of a suspect or the  
23 destruction of evidence. The use of a drone under this

1 paragraph (3) is limited to a period of 48 hours. Within 24  
2 hours of the initiation of the use of a drone under this  
3 paragraph (3), the chief executive officer of the law  
4 enforcement agency must report in writing the use of a  
5 drone to the local State's Attorney.

6 (4) If a law enforcement agency is attempting to locate  
7 a missing person, and is not also undertaking a criminal  
8 investigation.

9 (5) If a law enforcement agency is using a drone solely  
10 for crime scene and traffic crash scene photography. Crime  
11 scene and traffic crash photography must be conducted in a  
12 geographically confined and time-limited manner to  
13 document specific occurrences. The use of a drone under  
14 this paragraph (5) on private property requires either a  
15 search warrant based on probable cause under Section 108-3  
16 of the Code of Criminal Procedure of 1963 or lawful consent  
17 to search. The use of a drone under this paragraph (5) on  
18 lands, highways, roadways, or areas belonging to this State  
19 or political subdivisions of this State does not require a  
20 search warrant or consent to search. Any law enforcement  
21 agency operating a drone under this paragraph (5) shall  
22 make every reasonable attempt to only photograph the crime  
23 scene or traffic crash scene and avoid other areas.

24 (6) If a law enforcement agency is using a drone during  
25 a disaster or public health emergency, as defined by  
26 Section 4 of the Illinois Emergency Management Agency Act.

1           The use of a drone under this paragraph (6) does not  
2           require an official declaration of a disaster or public  
3           health emergency prior to use. A law enforcement agency may  
4           use a drone under this paragraph (6) to obtain information  
5           necessary for the determination of whether or not a  
6           disaster or public health emergency should be declared, to  
7           monitor weather or emergency conditions, to survey damage,  
8           or to otherwise coordinate response and recovery efforts.  
9           The use of a drone under this paragraph (6) is permissible  
10          during the disaster or public health emergency and during  
11          subsequent response and recovery efforts.

12           (7) If a law enforcement agency is using a drone for  
13           pilot practice or training of a law enforcement officer.

14           (8) If a law enforcement agency is using a drone for  
15           airborne photography or video for community marketing  
16           purposes or flight demonstrations for the general public.

17          (Source: P.A. 98-569, eff. 1-1-14; 98-831, eff. 1-1-15.)