



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4697

Introduced 2/18/2020, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 100/5-20

from Ch. 127, par. 1005-20

Creates the Surveillance Administrative Law Act. Prohibits the placement of electronic monitoring devices without explicit statutory action by the State of Illinois setting forth the need for the placement of an electronic monitoring device. Amends the Illinois Administrative Procedure Act. Provides that any discretionary power exercised by an agency under the Act shall be exercised in conformity with the Surveillance Administrative Law Act. Defines terms. Provides legislative intent. Effective immediately.

LRB101 17842 RJF 67277 b

1 AN ACT concerning government.

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 Surveillance Administrative Law Act.

6 Section 5. Legislative intent. The General Assembly
7 asserts that the legislative purpose of this statutory action,
8 and creation of this Act, is to maintain the State's adherence
9 to Section 6 of Article I of the Illinois Constitution,
10 especially the pledge made by the people of Illinois to
11 themselves that, under this Constitution, "the people shall
12 have the right to be secure in their persons, houses, papers
13 and other possessions against unreasonable searches, seizures,
14 invasions of privacy or interceptions of communications by
15 eavesdropping devices or other means". The General Assembly
16 asserts that the protections enumerated in that Section include
17 protection of the public against visual eavesdropping by means
18 of electronic surveillance, including: (i) surveillance
19 monitored by human observers; (ii) surveillance carried out by
20 artificial-intelligence software; and (iii) surveillance
21 carried out by combinations of artificial-intelligence
22 software and human monitoring.

1 Section 10. Definitions. As used in this Act:

2 "Electronic monitoring device" means a surveillance
3 instrument with a fixed position video camera or an audio
4 recording device, or a combination thereof.

5 "Place of public accommodation" means a place of lodging,
6 food or drink, place of exhibition or entertainment, place of
7 public gathering, retail establishment, service establishment,
8 public conveyance, place of public transportation, place of
9 public display or collection, place of recreation, place of
10 education, social service center establishment, place of
11 exercise or recreation, or any other place to which this
12 definition is applicable under subsection (A) of Section 5-101
13 of the Illinois Human Rights Act.

14 Section 15. Administrative surveillance. No action by any
15 administrative authority of the State of Illinois or any of its
16 political subdivisions, including, but not limited to, the
17 exercise of administrative authority under the Illinois
18 Administrative Procedure Act, shall: (i) direct the placement
19 of an electronic monitoring device in or adjacent to a public
20 way, or in or adjacent to a place of public accommodation; or
21 (ii) impose an administrative order or administrative burden
22 upon any third party sufficient to require or to encourage the
23 placement of an electronic monitoring device in or adjacent to
24 a public way, or in or adjacent to a place of public
25 accommodation, without explicit statutory action by the State

1 of Illinois setting forth the need for the placement of an
2 electronic monitoring device in or adjacent to a public way or
3 place of public accommodation for a purpose or purposes
4 enumerated in legislation.

5 Section 90. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-20 as follows:

7 (5 ILCS 100/5-20) (from Ch. 127, par. 1005-20)

8 Sec. 5-20. Implementing discretionary powers. Each rule
9 that implements a discretionary power to be exercised by an
10 agency shall include the standards by which the agency shall
11 exercise the power. The standards shall be stated as precisely
12 and clearly as practicable under the conditions to inform fully
13 those persons affected. Any discretionary power exercised by an
14 agency under this Act shall be exercised in conformity with the
15 Surveillance Administrative Law Act.

16 (Source: P.A. 87-823.)

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