



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4299

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-2.5

Amends the Criminal Code of 2012. Provides that the prohibition on a person or entity in the State using an electronic tracking device to determine the location or movement of a person does not apply when the vehicle is under the control of a State agency and the electronic tracking device is used by the agency, or an Inspector General (rather than the Inspector General appointed under the State Officials and Employees Ethics Act) who has jurisdiction over that State agency, for the purpose of tracking vehicles driven by employees or contractors of that State agency. Provides that the prohibition on a person or entity in the State using an electronic tracking device to determine the location or movement of a person does not apply when the vehicle is owned, leased, or under the control of a local government agency and the electronic tracking device is used by the Inspector General who has jurisdiction over that local government agency, for the purpose of tracking a vehicle driven by an employee or contractor of that local government agency. Provides that a violation of this provision is a Class A misdemeanor. Effective immediately.

LRB100 15458 RLC 30463 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Criminal Code of 2012 is amended by changing  
5 Section 21-2.5 as follows:

6 (720 ILCS 5/21-2.5)

7 Sec. 21-2.5. Electronic tracking devices prohibited.

8 (a) As used in this Section:

9 "Electronic tracking device" means any device attached  
10 to a vehicle that reveals its location or movement by the  
11 transmission of electronic signals.

12 "Local government agency" means a department, officer,  
13 commission, board, institution, or body politic and  
14 corporate of any county, municipality, township, special  
15 district, or other unit of local government.

16 "State agency" means all departments, officers,  
17 commissions, boards, institutions, authorities, and bodies  
18 politic and corporate of the State. The term, however, does  
19 not mean the judicial branch, including, without  
20 limitation, the several courts of the State, the offices of  
21 the clerk of the supreme court and the clerks of the  
22 appellate court, and the Administrative Office of the  
23 Illinois Courts, nor does it mean the legislature or its

1 committees or commissions.

2 "Telematics" includes, but is not limited to,  
3 automatic airbag deployment and crash notification, remote  
4 diagnostics, navigation, stolen vehicle location, remote  
5 door unlock, transmitting emergency and vehicle location  
6 information to public safety answering points, and any  
7 other service integrating vehicle location technology and  
8 wireless communications.

9 "Vehicle" has the meaning ascribed to it in Section  
10 1-217 of the Illinois Vehicle Code.

11 (b) A person or entity in this State may not use an  
12 electronic tracking device to determine the location or  
13 movement of a person.

14 (c) This Section does not apply:

15 (1) when the registered owner, lessor, or lessee of a  
16 vehicle has consented to the use of the electronic tracking  
17 device with respect to that vehicle;

18 (2) to the lawful use of an electronic tracking device  
19 by a law enforcement agency;

20 (3) when the vehicle is owned or leased by a business  
21 that is authorized to transact business in this State and  
22 the tracking device is used by the business for the purpose  
23 of tracking vehicles driven by employees of that business,  
24 its affiliates, or contractors of that business or its  
25 affiliates;

26 (4) when the vehicle is under the control of a State

1 agency and the electronic tracking device is used by the  
2 agency, or an ~~the~~ Inspector General ~~appointed under the~~  
3 ~~State Officials and Employees Ethics Act~~ who has  
4 jurisdiction over that State agency, for the purpose of  
5 tracking vehicles driven by employees or contractors of  
6 that State agency; ~~or~~

7 (4.1) when the vehicle is owned, leased, or under the  
8 control of a local government agency and the electronic  
9 tracking device is used by the Inspector General who has  
10 jurisdiction over that local government agency, for the  
11 purpose of tracking a vehicle driven by an employee or  
12 contractor of that local government agency; or

13 (5) telematic services that were installed by the  
14 manufacturer, or installed by or with the consent of the  
15 owner or lessee of the vehicle and to which the owner or  
16 lessee has subscribed. Consent by the owner or lessee of  
17 the vehicle constitutes consent for any other driver or  
18 passenger of that vehicle.

19 (d) Sentence. A violation of this Section is a Class A  
20 misdemeanor.

21 (Source: P.A. 98-381, eff. 1-1-14.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.