



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4405

by Rep. John C. D'Amico

#### SYNOPSIS AS INTRODUCED:

725 ILCS 167/15

Amends the Freedom from Drone Surveillance Act. Provides an exemption to the Act for a law enforcement agency that is using a drone to prepare for or monitor safety and security at a large-scale event, if drone usage is limited to legitimate public safety purposes, including, but not limited to, evaluating crowd size, density, or movement, assessing public safety vulnerabilities or weaknesses, determining appropriate staffing levels for law enforcement or other public safety personnel, or identifying possible criminal activity. Defines "large-scale event". Effective immediately.

LRB100 17763 SLF 32941 b

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 to  
13 prepare for or monitor safety and security at a large-scale  
14 event, if drone usage is limited to legitimate public  
15 safety purposes, including, but not limited to, evaluating  
16 crowd size, density, or movement, assessing public safety  
17 vulnerabilities or weaknesses, determining appropriate  
18 staffing levels for law enforcement or other public safety  
19 personnel, or identifying possible criminal activity. In  
20 this paragraph (7), "large-scale event" means a publicly or  
21 privately held event at a sports or entertainment arena,  
22 stadium, convention hall, special event center, amusement  
23 facility, a special event area licensed or permitted for  
24 use under the authority of a local government, or an event  
25 that is open to the public and takes place on the public  
26 way or on government-owned property.

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.