



Rep. John C. D'Amico

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LRB100 17764 SLF 40978 a

1 AMENDMENT TO SENATE BILL 2562

2 AMENDMENT NO. _____. Amend Senate Bill 2562 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom from Drone Surveillance Act is
5 amended by changing Section 15 and 35 as follows:

6 (725 ILCS 167/15)

7 Sec. 15. Exceptions.

8 (a) This Act does not prohibit the use of a drone by a law
9 enforcement agency:

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

14 (2) If a law enforcement agency first obtains a search
15 warrant based on probable cause issued under Section 108-3
16 of the Code of Criminal Procedure of 1963. The warrant must

1 be limited to a period of 45 days, renewable by the judge
2 upon a showing of good cause for subsequent periods of 45
3 days.

4 (3) If a law enforcement agency possesses reasonable
5 suspicion that, under particular circumstances, swift
6 action is needed to prevent imminent harm to life, or to
7 forestall the imminent escape of a suspect or the
8 destruction of evidence. The use of a drone under this
9 paragraph (3) is limited to a period of 48 hours. Within 24
10 hours of the initiation of the use of a drone under this
11 paragraph (3), the chief executive officer of the law
12 enforcement agency must report in writing the use of a
13 drone to the local State's Attorney.

14 (4) If a law enforcement agency is attempting to locate
15 a missing person, and is not also undertaking a criminal
16 investigation.

17 (5) If a law enforcement agency is using a drone solely
18 for crime scene and traffic crash scene photography. Crime
19 scene and traffic crash photography must be conducted in a
20 geographically confined and time-limited manner to
21 document specific occurrences. The use of a drone under
22 this paragraph (5) on private property requires either a
23 search warrant based on probable cause under Section 108-3
24 of the Code of Criminal Procedure of 1963 or lawful consent
25 to search. The use of a drone under this paragraph (5) on
26 lands, highways, roadways, or areas belonging to this State

1 or political subdivisions of this State does not require a
2 search warrant or consent to search. Any law enforcement
3 agency operating a drone under this paragraph (5) shall
4 make every reasonable attempt to only photograph the crime
5 scene or traffic crash scene and avoid other areas.

6 (6) If a law enforcement agency is using a drone during
7 a disaster or public health emergency, as defined by
8 Section 4 of the Illinois Emergency Management Agency Act.
9 The use of a drone under this paragraph (6) does not
10 require an official declaration of a disaster or public
11 health emergency prior to use. A law enforcement agency may
12 use a drone under this paragraph (6) to obtain information
13 necessary for the determination of whether or not a
14 disaster or public health emergency should be declared, to
15 monitor weather or emergency conditions, to survey damage,
16 or to otherwise coordinate response and recovery efforts.
17 The use of a drone under this paragraph (6) is permissible
18 during the disaster or public health emergency and during
19 subsequent response and recovery efforts.

20 (7) If a law enforcement agency is using a drone to
21 prepare for or monitor safety and security at a large-scale
22 event, if drone usage is limited to legitimate public
23 safety purposes, including, but not limited to, evaluating
24 crowd size, density, or movement; assessing public safety
25 vulnerabilities or weaknesses; determining appropriate
26 staffing levels for law enforcement or other public safety

1 personnel; or identifying possible criminal activity. In
2 this paragraph (7), "large-scale event" means a publicly or
3 privately held event reasonably estimated, at the
4 inception of the event, to be attended by more than 1500
5 persons at a sports or entertainment arena, stadium,
6 convention hall, special event center, amusement facility,
7 a special event area licensed or permitted for use under
8 the authority of a unit of local government, or an event
9 open to the public that takes place on a public way or
10 government-owned property. A law enforcement agency that
11 uses a drone under this paragraph (7) shall not equip the
12 drone with facial recognition or biometric technology,
13 tear gas canisters, stun gun technology, or any other
14 dangerous or deadly weapon or fire a projectile from a
15 drone. In this paragraph (7), "dangerous or deadly weapon"
16 means any firearm, or other weapon, device, instrument,
17 material, or substance, whether animate or inanimate,
18 which in the manner it is used or is intended to be used is
19 known to be capable of producing death or serious bodily
20 injury.

21 (b) Supervisory approval must be obtained by the drone
22 operator prior to the deployment of a drone under subsection
23 (a) of this Section.

24 (c) Each law enforcement agency shall have a written policy
25 addressing drone usage and reporting prior to deploying a
26 drone. That policy shall comply with the provisions of this Act

1 and must be made available to the public.

2 (d) Any use of a drone under subsection (a) of this Section
3 shall continue to be subject to the United States Constitution
4 and the Illinois Constitution and all applicable State and
5 federal rules, regulations, and laws.

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

7 (725 ILCS 167/35)

8 Sec. 35. Reporting.

9 (a) If a law enforcement agency owns one or more drones,
10 then subsequent to the effective date of this Act, it shall
11 report in writing annually by April 1 to the Authority the
12 following:

13 (1) the number of drones that the law enforcement
14 agency ~~it~~ owns; and

15 (2) the number of times in the previous year that the
16 law enforcement agency has deployed a drone under each of
17 the exceptions under Section 15 of this Act, including the
18 exception used, the date of the deployment, and location of
19 the deployment.

20 (b) On July 1 of each year, the Authority shall publish on
21 its publicly available website a concise report that lists
22 every law enforcement agency that owns a drone, and for each of
23 those agencies, the number of drones that it owns.

24 (Source: P.A. 98-569, eff. 1-1-14.)

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