



Sen. Martin A. Sandoval

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LRB100 17764 SLF 39091 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. 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

1 upon a showing of good cause for subsequent periods of 45
2 days.

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

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

16 (5) If a law enforcement agency is using a drone solely
17 for crime scene and traffic crash scene photography. Crime
18 scene and traffic crash photography must be conducted in a
19 geographically confined and time-limited manner to
20 document specific occurrences. The use of a drone under
21 this paragraph (5) on private property requires either a
22 search warrant based on probable cause under Section 108-3
23 of the Code of Criminal Procedure of 1963 or lawful consent
24 to search. The use of a drone under this paragraph (5) on
25 lands, highways, roadways, or areas belonging to this State
26 or political subdivisions of this State does not require a

1 search warrant or consent to search. Any law enforcement
2 agency operating a drone under this paragraph (5) shall
3 make every reasonable attempt to only photograph the crime
4 scene or traffic crash scene and avoid other areas.

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

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

1 this paragraph (7), "large-scale event" means a publicly or
2 privately held event reasonably estimated, at the
3 inception of the event, to be attended by more than 100
4 persons at a sports or entertainment arena, stadium,
5 convention hall, special event center, amusement facility,
6 a special event area licensed or permitted for use under
7 the authority of a unit of local government, or an event
8 open to the public that takes place on a public way or
9 government-owned property. A law enforcement agency that
10 uses a drone under this paragraph (7) shall not equip the
11 drone with tear gas canisters, stun gun technology, or any
12 other dangerous or deadly weapon or fire a projectile from
13 a drone. In this paragraph (7), "dangerous or deadly
14 weapon" means any firearm, or other weapon, device,
15 instrument, material, or substance, whether animate or
16 inanimate, which in the manner it is used or is intended to
17 be used is known to be capable of producing death or
18 serious bodily injury.

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

20 (725 ILCS 167/35)

21 Sec. 35. Reporting.

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

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

3 (2) the number of times in the previous year that the
4 law enforcement agency has deployed a drone under each of
5 the exceptions under Section 15 of this Act, including the
6 exception used, the date of the deployment, and location of
7 the deployment.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."