



Sen. Antonio Muñoz

Filed: 4/4/2019

10100SB0530sam001

LRB101 04291 TAE 59306 a

1 AMENDMENT TO SENATE BILL 530

2 AMENDMENT NO. _____. Amend Senate Bill 530 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Automated License Plate Recognition System Data Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "ALPR system data" means data packets representing
8 interpretation by ALPR systems of recorded vehicle license
9 plates affixed to vehicles in the field of view of ALPR system
10 cameras, with associated global positioning system
11 coordinates, and time and date stamps associated with the
12 recording of the data.

13 "Automated license plate recognition system" or "ALPR
14 system" means a system of one or more mobile, portable, or
15 fixed video cameras using computer algorithms to convert images
16 of license plates into automated computer-recognized

1 searchable alphanumeric data, including associated servers,
2 data normalization technologies, and similar technologies.

3 "Historical ALPR system data" means data recorded by ALPR
4 systems that are stored in an authorized ALPR system platform.

5 "Law enforcement agency" means an agency of this State,
6 another state within the United States, a unit of local
7 government, or a political subdivision of any of the preceding,
8 that is vested by law or ordinance with the duty to maintain
9 public order or to enforce criminal laws and ordinances.

10 "Legitimate law enforcement purpose" means for the purpose
11 of the investigation of a criminal offense or violation of a
12 federal, State, or local law or ordinance by a law enforcement
13 agency.

14 "Secured area" means an area, enclosed by clear boundaries,
15 to which access is limited and not open to the public and entry
16 is obtainable only through specific access-control points.

17 Section 10. ALPR system data and historical ALPR system
18 data protections.

19 (a) A law enforcement agency may use recorded ALPR system
20 data and historical ALPR system data only for a legitimate law
21 enforcement purpose. ALPR system data collected by law
22 enforcement and historical ALPR system data collected by law
23 enforcement may not be used, shared, sold, traded, or exchanged
24 for any other purpose.

25 (b) ALPR system data and historical ALPR system data shall

1 be considered and treated by a law enforcement agency as
2 sensitive data, but the data is not in the same category as
3 personally identifying information.

4 (c) ALPR system data and historical ALPR system data are
5 not subject to disclosure under the Freedom of Information Act.

6 (d) This Act does not apply to automated license plate
7 recognition systems or similar systems:

8 (1) used for electronic toll collection and
9 enforcement;

10 (2) used in government buildings and other locations
11 for security purposes or controlling access to a secured
12 area;

13 (3) used for private sector activities; or

14 (4) used for any purpose for which motor vehicle
15 registration data may be accessed under 18 U.S.C. 2721.

16 Section 15. Use and privacy policy. Any law enforcement
17 agency that uses automated license plate recognition systems
18 shall:

19 (1) adopt a policy governing use of the system;

20 (2) adopt a privacy policy to ensure strict access and
21 control of the data so that ALPR system data and historical
22 ALPR system data are not used or shared in violation of
23 this Act;

24 (3) adopt audit procedures relating to use of ALPR
25 system data and historical ALPR system data; and

1 (4) adopt and periodically update a comprehensive
2 training program, for agency employees who use or have
3 access to ALPR system data and historical ALPR system data,
4 that fully trains the employees on safeguards in use of
5 ALPR system data or historical ALPR system data and
6 procedures to adhere to policies and procedures governing
7 use of ALPR system data or historical ALPR system data.

8 Section 20. ALPR system data retention. A State or local
9 law enforcement agency may retain ALPR system data for 5 years.
10 After 5 years, the State or local law enforcement agency must
11 create an internal record showing why data older than 5 years
12 was accessed, and attach a case name and number, the name of
13 the officer that accessed the data, the date, and an
14 explanation for why the data was accessed.

15 Section 25. Admissibility. If a court finds by a
16 preponderance of the evidence that ALPR system data or
17 historical ALPR system data was gathered, stored, used, or
18 disclosed in violation of this Act, then that information shall
19 be presumed to be inadmissible in any judicial or
20 administrative proceeding. The party seeking admission of the
21 ALPR system data or historical ALPR system data may overcome
22 this presumption by proving the applicability of a judicially
23 recognized exception to the exclusionary rule of the Fourth
24 Amendment to the United States Constitution or Section 6 of

1 Article I of the Illinois Constitution or by a preponderance of
2 the evidence that the law enforcement agency was acting in good
3 faith and reasonably believed that one or more of the
4 exceptions existed at the time that the ALPR system data or
5 historical ALPR system data was gathered, stored, used, or
6 disclosed.

7 Section 30. Home rule and other local regulation. Any home
8 rule unit of local government, any non-home rule municipality,
9 or any non-home rule county within the unincorporated territory
10 of the county may regulate law enforcement agency owned
11 automated license plate recognition systems and the use of ALPR
12 system data collected by law enforcement and historical ALPR
13 system data collected by law enforcement, but that regulation
14 must be no less restrictive than this Act. This Section is a
15 limitation on the concurrent exercise of home rule power under
16 subsection (i) of Section 6 of Article VII of the Illinois
17 Constitution.

18 Section 100. The Freedom of Information Act is amended by
19 changing Section 7.5 as follows:

20 (5 ILCS 140/7.5)

21 Sec. 7.5. Statutory exemptions. To the extent provided for
22 by the statutes referenced below, the following shall be exempt
23 from inspection and copying:

1 (a) All information determined to be confidential
2 under Section 4002 of the Technology Advancement and
3 Development Act.

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library
6 Records Confidentiality Act.

7 (c) Applications, related documents, and medical
8 records received by the Experimental Organ Transplantation
9 Procedures Board and any and all documents or other records
10 prepared by the Experimental Organ Transplantation
11 Procedures Board or its staff relating to applications it
12 has received.

13 (d) Information and records held by the Department of
14 Public Health and its authorized representatives relating
15 to known or suspected cases of sexually transmissible
16 disease or any information the disclosure of which is
17 restricted under the Illinois Sexually Transmissible
18 Disease Control Act.

19 (e) Information the disclosure of which is exempted
20 under Section 30 of the Radon Industry Licensing Act.

21 (f) Firm performance evaluations under Section 55 of
22 the Architectural, Engineering, and Land Surveying
23 Qualifications Based Selection Act.

24 (g) Information the disclosure of which is restricted
25 and exempted under Section 50 of the Illinois Prepaid
26 Tuition Act.

1 (h) Information the disclosure of which is exempted
2 under the State Officials and Employees Ethics Act, and
3 records of any lawfully created State or local inspector
4 general's office that would be exempt if created or
5 obtained by an Executive Inspector General's office under
6 that Act.

7 (i) Information contained in a local emergency energy
8 plan submitted to a municipality in accordance with a local
9 emergency energy plan ordinance that is adopted under
10 Section 11-21.5-5 of the Illinois Municipal Code.

11 (j) Information and data concerning the distribution
12 of surcharge moneys collected and remitted by carriers
13 under the Emergency Telephone System Act.

14 (k) Law enforcement officer identification information
15 or driver identification information compiled by a law
16 enforcement agency or the Department of Transportation
17 under Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death
20 review team or the Executive Council under the Abuse
21 Prevention Review Team Act.

22 (m) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial
2 counsel as provided under Sections 10 and 15 of the Capital
3 Crimes Litigation Act. This subsection (n) shall apply
4 until the conclusion of the trial of the case, even if the
5 prosecution chooses not to pursue the death penalty prior
6 to trial or sentencing.

7 (o) Information that is prohibited from being
8 disclosed under Section 4 of the Illinois Health and
9 Hazardous Substances Registry Act.

10 (p) Security portions of system safety program plans,
11 investigation reports, surveys, schedules, lists, data, or
12 information compiled, collected, or prepared by or for the
13 Regional Transportation Authority under Section 2.11 of
14 the Regional Transportation Authority Act or the St. Clair
15 County Transit District under the Bi-State Transit Safety
16 Act.

17 (q) Information prohibited from being disclosed by the
18 Personnel ~~Record~~ Records Review Act.

19 (r) Information prohibited from being disclosed by the
20 Illinois School Student Records Act.

21 (s) Information the disclosure of which is restricted
22 under Section 5-108 of the Public Utilities Act.

23 (t) All identified or deidentified health information
24 in the form of health data or medical records contained in,
25 stored in, submitted to, transferred by, or released from
26 the Illinois Health Information Exchange, and identified

1 or deidentified health information in the form of health
2 data and medical records of the Illinois Health Information
3 Exchange in the possession of the Illinois Health
4 Information Exchange Authority due to its administration
5 of the Illinois Health Information Exchange. The terms
6 "identified" and "deidentified" shall be given the same
7 meaning as in the Health Insurance Portability and
8 Accountability Act of 1996, Public Law 104-191, or any
9 subsequent amendments thereto, and any regulations
10 promulgated thereunder.

11 (u) Records and information provided to an independent
12 team of experts under the Developmental Disability and
13 Mental Health Safety Act (also known as Brian's Law).

14 (v) Names and information of people who have applied
15 for or received Firearm Owner's Identification Cards under
16 the Firearm Owners Identification Card Act or applied for
17 or received a concealed carry license under the Firearm
18 Concealed Carry Act, unless otherwise authorized by the
19 Firearm Concealed Carry Act; and databases under the
20 Firearm Concealed Carry Act, records of the Concealed Carry
21 Licensing Review Board under the Firearm Concealed Carry
22 Act, and law enforcement agency objections under the
23 Firearm Concealed Carry Act.

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of an
10 eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

12 (z) Records and information provided to a fatality
13 review team or the Illinois Fatality Review Team Advisory
14 Council under Section 15 of the Adult Protective Services
15 Act.

16 (aa) Information which is exempted from disclosure
17 under Section 2.37 of the Wildlife Code.

18 (bb) Information which is or was prohibited from
19 disclosure by the Juvenile Court Act of 1987.

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

2 (ff) Information that is exempted from disclosure
3 under the Revised Uniform Unclaimed Property Act.

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

7 (hh) Records that are exempt from disclosure under
8 Section 1A-16.7 of the Election Code.

9 (ii) Information which is exempted from disclosure
10 under Section 2505-800 of the Department of Revenue Law of
11 the Civil Administrative Code of Illinois.

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day and
14 temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

19 (ll) Information the disclosure of which is restricted
20 and exempted under Section 5-30.8 of the Illinois Public
21 Aid Code.

22 (mm) ~~(ll)~~ Records that are exempt from disclosure under
23 Section 4.2 of the Crime Victims Compensation Act.

24 (nn) ~~(ll)~~ Information that is exempt from disclosure
25 under Section 70 of the Higher Education Student Assistance
26 Act.

1 (oo) ALPR system data or historical ALPR system data
2 under the Automated License Plate Recognition System Data
3 Act.

4 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
5 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
6 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
7 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
8 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
9 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
10 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
11 10-12-18.)".