

HB3580



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3580

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

New Act
725 ILCS 5/115-10.5a new

Creates the Law Enforcement Gang Database Information Act. Defines terms. Provides requirements for the use of gang databases and shared gang databases. Amends the Code of Criminal Procedure of 1963. Provides for the admissibility of evidence concerning gang databases. Effective immediately.

LRB102 15097 KMF 20452 b

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 1. Short title. This Act may be cited as the Law
5 Enforcement Gang Database Information Act.

6 Section 5. Definitions. In this Act:

7 "Gang" has the same meaning ascribed to the term in
8 Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 "Gang database" means any database, or data maintained in
11 multiple databases accessed by a law enforcement agency with
12 the primary purpose to designate a person as an associate or
13 alleged member of a gang, streetgang, or organization defined
14 in Section 10 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act, or includes or points to information,
16 including, but not limited to, fact-based or uncorroborated
17 information, that reflects a designation of that person as a
18 gang member, not including law enforcement agency case
19 reports, dispatching notes, or dispatch system records.

20 "Gang member" has the same meaning ascribed to the term in
21 Section 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 "Law enforcement agency" means an agency of this State or

1 unit of local government that is primarily responsible for the
2 detection, investigation, or prevention of crime and the
3 enforcement of the criminal laws of this State.

4 "Shared gang database" means a gang database that is
5 accessed by an agency or person outside of the agency that
6 created the records that populate the database.

7 Section 10. Requirements for use of gang databases and
8 shared gang databases. Each law enforcement agency that
9 maintains a gang database or has access to a shared gang
10 database shall have a policy regarding those databases. Each
11 policy shall be implemented on or before July 1, 2021, except
12 the requirements in paragraph (1) shall be implemented as soon
13 as practicable after the effective date of this Act. The
14 policy shall include, but not be limited to:

15 (1) that personnel authorized to access a gang database or
16 shared gang database are limited to sworn law enforcement
17 personnel, non-sworn law enforcement support personnel,
18 criminal justice entities, or non-criminal justice technical
19 or maintenance personnel, including information technology and
20 information security staff and contract employees, who have
21 been subject to character or security clearance and who have
22 received approved training;

23 (2) any records contained in a gang database, shared gang
24 database, gang-related information in a law enforcement agency
25 case report, gang-related information in a law enforcement

1 agency dispatch note, or gang-related information in a law
2 enforcement agency dispatch system record shall not be
3 disclosed for the following purposes: employment, education,
4 licensing, or housing, except that law enforcement and
5 criminal justice entities may use information contained in a
6 gang database or shared gang database for employment purposes,
7 and records contained in a gang database or shared gang
8 database may be disclosed to comply with federal law, for
9 national security or homeland security purposes, for military
10 screening purposes, or for other appropriate law enforcement
11 purpose;

12 (3) security procedures; and

13 (4) the review and purge process from gang databases and
14 shared gang databases.

15 Section 105. The Code of Criminal Procedure of 1963 is
16 amended by adding Section 115-10.5a as follows:

17 (725 ILCS 5/115-10.5a new)

18 Sec. 115-10.5a. Admissibility of evidence concerning gang
19 databases.

20 (a) In this Section, "gang database", "gang member", and
21 "shared gang database" have the same meanings ascribed to
22 those terms as in Section 5 of the Law Enforcement Gang
23 Database Information Act.

24 (b) In all criminal cases, evidence which indicates the

1 mere presence that the person was or is on a gang database or a
2 shared gang database is not admissible.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.