

HB3713



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3713

Introduced 2/22/2021, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

725 ILCS 167/15

Amends the Freedom from Drone Surveillance Act. Provides that the Act does not prohibit the use of a drone by a law enforcement agency if the law enforcement agency is using the drone for pilot practice or training of a law enforcement officer or airborne photography or video for community marketing purposes or flight demonstrations for the general public.

LRB102 14164 KMF 19516 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 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
16 must be limited to a period of 45 days, renewable by the
17 judge upon a showing of good cause for subsequent periods
18 of 45 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
7 locate a missing person, and is not also undertaking a
8 criminal investigation.

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

25 (6) If a law enforcement agency is using a drone
26 during a disaster or public health emergency, as defined

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

14 (7) If a law enforcement agency is using a drone for
15 pilot practice or training of a law enforcement officer.

16 (8) If a law enforcement agency is using a drone for
17 airborne photography or video for community marketing
18 purposes or flight demonstrations for the general public.

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