

# HB3178



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3178

Introduced 2/17/2023, 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.

LRB103 29947 RLC 56362 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.)