

HB3322



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3322

Introduced 2/17/2023, 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 that in all criminal cases, evidence which indicates the mere presence that the person was or is on a gang database or a shared gang database is not admissible. Effective immediately.

LRB103 30247 RLC 56675 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, 2023, 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
16 database or shared gang database are limited to sworn law
17 enforcement personnel, non-sworn law enforcement support
18 personnel, criminal justice entities, or non-criminal
19 justice technical or maintenance personnel, including
20 information technology and information security staff and
21 contract employees, who have been subject to character or
22 security clearance and who have received approved
23 training;

24 (2) any records contained in a gang database, shared
25 gang database, gang-related information in a law

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

14 (3) security procedures; and

15 (4) the review and purge process from gang databases
16 and shared gang databases.

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

19 (725 ILCS 5/115-10.5a new)

20 Sec. 115-10.5a. Admissibility of evidence concerning gang
21 databases.

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

1 Database Information Act.

2 (b) In all criminal cases, evidence which indicates the
3 mere presence that the person was or is on a gang database or a
4 shared gang database is not admissible.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.