

SB2681



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2681

Introduced 1/10/2024, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-2.5

Amends the Criminal Code of 2012. Provides that the use of an electronic tracking device to determine the location or movement of a person is a Class 4 felony (rather than a Class A misdemeanor) if the violation results in physical injury to the victim of the offense.

LRB103 36232 RLC 66327 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 Criminal Code of 2012 is amended by
5 changing Section 21-2.5 as follows:

6 (720 ILCS 5/21-2.5)

7 Sec. 21-2.5. Electronic tracking devices prohibited.

8 (a) As used in this Section:

9 "Electronic tracking device" means any device attached
10 to a vehicle that reveals its location or movement by the
11 transmission of electronic signals.

12 "State agency" means all departments, officers,
13 commissions, boards, institutions, and bodies politic and
14 corporate of the State. The term, however, does not mean
15 the judicial branch, including, without limitation, the
16 several courts of the State, the offices of the clerk of
17 the supreme court and the clerks of the appellate court,
18 and the Administrative Office of the Illinois Courts, nor
19 does it mean the legislature or its committees or
20 commissions.

21 "Telematics" includes, but is not limited to,
22 automatic airbag deployment and crash notification, remote
23 diagnostics, navigation, stolen vehicle location, remote

1 door unlock, transmitting emergency and vehicle location
2 information to public safety answering points, and any
3 other service integrating vehicle location technology and
4 wireless communications.

5 "Vehicle" has the meaning ascribed to it in Section
6 1-217 of the Illinois Vehicle Code.

7 (b) A person or entity in this State may not use an
8 electronic tracking device to determine the location or
9 movement of a person.

10 (c) This Section does not apply:

11 (1) when the registered owner, lessor, or lessee of a
12 vehicle has consented to the use of the electronic
13 tracking device with respect to that vehicle;

14 (2) to the lawful use of an electronic tracking device
15 by a law enforcement agency;

16 (3) when the vehicle is owned or leased by a business
17 that is authorized to transact business in this State and
18 the tracking device is used by the business for the
19 purpose of tracking vehicles driven by employees of that
20 business, its affiliates, or contractors of that business
21 or its affiliates;

22 (4) when the vehicle is under the control of a State
23 agency and the electronic tracking device is used by the
24 agency, or the Inspector General appointed under the State
25 Officials and Employees Ethics Act who has jurisdiction
26 over that State agency, for the purpose of tracking

1 vehicles driven by employees or contractors of that State
2 agency; or

3 (5) telematic services that were installed by the
4 manufacturer, or installed by or with the consent of the
5 owner or lessee of the vehicle and to which the owner or
6 lessee has subscribed. Consent by the owner or lessee of
7 the vehicle constitutes consent for any other driver or
8 passenger of that vehicle.

9 (d) Sentence. A violation of this Section is a Class A
10 misdemeanor. A violation of this Section is a Class 4 felony if
11 the violation results in physical injury to the victim of the
12 offense.

13 (Source: P.A. 98-381, eff. 1-1-14.)