

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  
5 Freedom from Drone Surveillance Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Illinois Criminal Justice  
8 Information Authority.

9 "Drone" means any aerial vehicle that does not carry a  
10 human operator.

11 "Information" means any evidence, images, sounds, data, or  
12 other information gathered by a drone.

13 "Law enforcement agency" means any agency of this State or  
14 a political subdivision of this State which is vested by law  
15 with the duty to maintain public order and to enforce criminal  
16 laws.

17 Section 10. Prohibited use of drones. Except as provided  
18 in Section 15, a law enforcement agency may not use a drone to  
19 gather information.

20 Section 15. Exceptions. This Act does not prohibit the use  
21 of a drone by a law enforcement agency:

1           (1) To counter a high risk of a terrorist attack by a  
2 specific individual or organization if the United States  
3 Secretary of Homeland Security determines that credible  
4 intelligence indicates that there is that risk.

5           (2) If a law enforcement agency first obtains a search  
6 warrant based on probable cause issued under Section 108-3 of  
7 the Code of Criminal Procedure of 1963. The warrant must be  
8 limited to a period of 45 days, renewable by the judge upon a  
9 showing of good cause for subsequent periods of 45 days.

10          (3) If a law enforcement agency possesses reasonable  
11 suspicion that, under particular circumstances, swift action  
12 is needed to prevent imminent harm to life or serious damage to  
13 property, or to forestall the imminent escape of a suspect or  
14 the destruction of evidence. The use of a drone under this  
15 paragraph (3) is limited to a period of 48 hours. Within 24  
16 hours of the initiation of the use of a drone under this  
17 paragraph (3), the chief executive officer of the law  
18 enforcement agency must report in writing the use of a drone to  
19 the local State's Attorney.

20          (4) If a law enforcement agency is attempting to locate a  
21 missing person, and is not also undertaking a criminal  
22 investigation.

23          (5) If a law enforcement agency is using a drone solely for  
24 crime scene and traffic crash scene photography. Crime scene  
25 and traffic crash photography must be conducted in a  
26 geographically confined and time-limited manner to document

1 specific occurrences. The use of a drone under this paragraph  
2 (5) on private property requires either a search warrant based  
3 on probable cause under Section 108-3 of the Code of Criminal  
4 Procedure of 1963 or lawful consent to search. The use of a  
5 drone under this paragraph (5) on lands, highways, roadways, or  
6 areas belonging to this State or political subdivisions of this  
7 State does not require a search warrant or consent to search.  
8 Any law enforcement agency operating a drone under this  
9 paragraph (5) shall make every reasonable attempt to only  
10 photograph the crime scene or traffic crash scene and avoid  
11 other areas.

12 Section 20. Information retention. If a law enforcement  
13 agency uses a drone under Section 15 of this Act, the agency  
14 within 30 days shall destroy all information gathered by the  
15 drone, except that a supervisor at that agency may retain  
16 particular information if:

17 (1) there is reasonable suspicion that the information  
18 contains evidence of criminal activity, or

19 (2) the information is relevant to an ongoing investigation  
20 or pending criminal trial.

21 Section 25. Information disclosure. If a law enforcement  
22 agency uses a drone under Section 15 of this Act, the agency  
23 shall not disclose any information gathered by the drone,  
24 except that a supervisor of that agency may disclose particular

1 information to another government agency, if (1) there is  
2 reasonable suspicion that the information contains evidence of  
3 criminal activity, or (2) the information is relevant to an  
4 ongoing investigation or pending criminal trial.

5 Section 30. Admissibility. Compliance with this Act is a  
6 prerequisite to the admissibility in evidence of any  
7 information collected by a law enforcement agency by means of a  
8 drone, but nothing in this Act shall be deemed to prevent a  
9 court from independently reviewing the admissibility of the  
10 evidence for compliance with the Fourth Amendment to the U.S.  
11 Constitution or with Article I, Section 6 of the Illinois  
12 Constitution.

13 Section 35. Reporting.

14 (a) If a law enforcement agency owns one or more drones,  
15 then subsequent to the effective date of this Act, it shall  
16 report in writing annually by April 1 to the Authority the  
17 number of drones that it owns.

18 (b) On July 1 of each year, the Authority shall publish on  
19 its publicly available website a concise report that lists  
20 every law enforcement agency that owns a drone, and for each of  
21 those agencies, the number of drones that it owns.