



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1918

2 AMENDMENT NO. _____. Amend Senate Bill 1918 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Freedom From Cell Phone Location Surveillance Act.

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

7 "Cell phone location information" means information about
8 the location or movements of a mobile cell phone.

9 "Law enforcement agent" means any law enforcement officer
10 of an agency of the State or political subdivision of the State
11 who is vested by law with the duty to maintain public order or
12 enforce criminal laws.

13 Section 10. Warrant. Except as provided in Section 15, a
14 law enforcement agent may not obtain cell phone location
15 information without either:

1 (1) a search warrant based on probable cause, issued for
2 renewable periods of up to 30 days; or

3 (2) an arrest warrant issued under Section 107-9 of the
4 Code of Criminal Procedure of 1963.

5 Section 15. Exceptions. Notwithstanding any other
6 provisions of this Act, any law enforcement agent may obtain
7 cell phone location information:

8 (1) to respond to a call for emergency services from the
9 user of the cell phone concerned;

10 (2) with the express consent of the subscriber or user of
11 the cell phone concerned; or

12 (3) when a law enforcement agent reasonably believes that
13 obtaining cell phone location information without delay is
14 necessary to protect a person from an imminent danger of death
15 or great bodily harm, and the application to the cell phone
16 service provider for cell phone location information is
17 narrowly tailored to address this danger, subject to the
18 following limitations:

19 (A) The application shall document the factual basis
20 for believing that this danger requires obtaining the cell
21 phone information without delay.

22 (B) The lead law enforcement agency involved in the
23 investigation shall retain the application for a minimum of
24 2 years, and shall provide it to the State's Attorney in
25 the county in which the lead agency is located within 48

1 hours of the time that the lead agency obtains access to
2 cell phone location information under this paragraph (3).

3 (C) Subsequent or ongoing use of cell phone location
4 information as described in this paragraph (3) beyond a
5 48-hour time span requires a warrant. If the application
6 for the warrant is denied, the cell phone location
7 information shall not be admissible as evidence in a court
8 of law, unless the State can prove the evidence obtained
9 would inevitably have been discovered by lawful means as
10 part of the ongoing investigation.

11 Section 20. Admissibility. Compliance with the provisions
12 of this Act is a prerequisite to the admissibility into
13 evidence of any cell phone location information, but nothing in
14 this Act shall be deemed to prevent a court from otherwise
15 excluding the evidence on any other ground, nor shall anything
16 in this Section be deemed to prevent a court from independently
17 reviewing the admissibility of the evidence for compliance with
18 the Fourth Amendment to the United States Constitution or with
19 Article I, Section 6 of the Illinois Constitution."