

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 and by adding Section 40 as
6 follows:

7 (725 ILCS 167/15)

8 Sec. 15. Exceptions. This Act does not prohibit the use of
9 a drone by a law enforcement agency:

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

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

20 (3) If a law enforcement agency possesses reasonable
21 suspicion that, under particular circumstances, swift
22 action is needed to prevent imminent harm to life, or to
23 forestall the imminent escape of a suspect or the

1 destruction of evidence. The use of a drone under this
2 paragraph (3) is limited to a period of 48 hours. Within 24
3 hours of the initiation of the use of a drone under this
4 paragraph (3), the chief executive officer of the law
5 enforcement agency must report in writing the use of a
6 drone to the local State's Attorney.

7 (4) If a law enforcement agency is attempting to locate
8 a missing person, and is not also undertaking a criminal
9 investigation.

10 (5) If a law enforcement agency is using a drone solely
11 for crime scene and traffic crash scene photography. Crime
12 scene and traffic crash photography must be conducted in a
13 geographically confined and time-limited manner to
14 document specific occurrences. The use of a drone under
15 this paragraph (5) on private property requires either a
16 search warrant based on probable cause under Section 108-3
17 of the Code of Criminal Procedure of 1963 or lawful consent
18 to search. The use of a drone under this paragraph (5) on
19 lands, highways, roadways, or areas belonging to this State
20 or political subdivisions of this State does not require a
21 search warrant or consent to search. Any law enforcement
22 agency operating a drone under this paragraph (5) shall
23 make 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 during
26 a disaster or public health emergency, as defined by

1 Section 4 of the Illinois Emergency Management Agency Act.
2 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 may
5 use a drone under this paragraph (6) to obtain information
6 necessary for the determination of whether or not a
7 disaster or public health emergency should be declared, to
8 monitor weather or emergency conditions, to survey damage,
9 or to otherwise coordinate response and recovery efforts.
10 The use of a drone under this paragraph (6) is permissible
11 during the disaster or public health emergency and during
12 subsequent response and recovery efforts.

13 (Source: P.A. 98-569, eff. 1-1-14.)

14 (725 ILCS 167/40 new)

15 Sec. 40. Law enforcement use of private drones.

16 (a) Except as provided in Section 15, a law enforcement
17 agency may not acquire information from or direct the
18 acquisition of information through the use of a drone owned by
19 a private third party. In the event that law enforcement
20 acquires information from or directs the acquisition of
21 information through the use of a privately owned drone under
22 Section 15 of this Act, any information so acquired is subject
23 to Sections 20 and 25 of this Act.

24 (b) Nothing in this Act prohibits private third parties
25 from voluntarily submitting information acquired by a

1 privately owned drone to law enforcement. In the event that law
2 enforcement acquires information from the voluntary submission
3 of that information, whether under a request or on a private
4 drone owner's initiative, the information is subject to
5 Sections 20 and 25 of this Act.