



Rep. Peter Breen

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LRB099 07563 JLK 33104 a

1 AMENDMENT TO HOUSE BILL 3289

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3289 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 Automatic License Plate Reader Surveillance Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "Alert" means information contained in databases  
8 maintained by the Secretary of State of this State or by  
9 federal, State, or local law enforcement agencies, and license  
10 plate numbers that have been manually entered into the ALPR  
11 system upon an officer's determination that the vehicles or  
12 individuals associated with the license plate numbers are  
13 relevant and material to an ongoing criminal or missing person  
14 investigation.

15 "Automatic license plate reader system" or "ALPR system"  
16 means a system of one or more mobile or fixed automatic

1 high-speed cameras used in combination with computer  
2 algorithms to convert images of license plates into  
3 computer-readable data.

4 "Captured plate data" means the GPS coordinates, date and  
5 time, photograph, license plate number, and any other data  
6 captured by or derived from any ALPR system.

7 "Law enforcement agency" means any agency of this State or  
8 a unit of local government which is vested by law or ordinance  
9 with the duty to maintain public order and to enforce criminal  
10 laws and ordinances.

11 "Law enforcement officer" means any officer, agent, or  
12 employee of this State or a unit of local government authorized  
13 by law or by a government agency to engage in or supervise the  
14 prevention, detection, or investigation of any violation of  
15 criminal law, or authorized by law to supervise sentenced  
16 criminal offenders.

17 "Look-out order" means an order received or initiated by a  
18 law enforcement agency to look out for a particular person  
19 reasonably suspected of being a threat to public safety or  
20 engaged in criminal activity.

21 Section 10. Allowable uses of ALPR systems. Except as  
22 otherwise provided in this Section, a person acting under the  
23 color of State law may not use any ALPR system. An ALPR systems  
24 may be used:

25 (1) for electronic toll collection;

1 (2) for traffic enforcement;

2 (3) by parking enforcement entities for regulating the  
3 use of parking facilities;

4 (4) for controlling access to secured areas that have  
5 clear boundaries, entry only through specific controlled  
6 points, and limited access;

7 (5) for the purpose of conducting criminal  
8 investigations upon an officer's determination that the  
9 vehicles or individuals associated with the license plate  
10 numbers are relevant and material to an ongoing criminal  
11 investigation; or

12 (6) by law enforcement agencies for the comparison of  
13 captured plate data with information contained in  
14 databases maintained by the Secretary of State of this  
15 State or by federal, State, or local law enforcement  
16 agencies, and with license plate numbers that have been  
17 manually entered into an ALPR system upon an officer's  
18 determination that the vehicles or individuals associated  
19 with the license plate numbers are relevant and material to  
20 an ongoing criminal or missing person investigation, for  
21 the purpose of identifying:

22 (A) vehicles that are stolen, or in violation of  
23 any registration or inspection requirements;

24 (B) persons who are missing, or the subject of an  
25 arrest warrant, look-out order, traffic citation, or  
26 parking citation; or

1 (C) vehicles that are relevant and material to an  
2 ongoing criminal investigation.

3 Section 15. Protections.

4 (a) Captured plate data obtained for the purposes described  
5 under paragraph (6) of Section 10 shall not be used, shared,  
6 sold, traded, or exchanged for any other purpose and shall not  
7 be preserved for more than 30 days by a law enforcement agency  
8 except it may be preserved for more than 30 days:

9 (1) under a preservation request under Section 25;

10 (2) under a disclosure order under Section 25;

11 (3) as part of an ongoing investigation provided that  
12 the captured plate data is confirmed as matching an alert  
13 and is destroyed at the conclusion of either:

14 (A) an investigation that does not result in any  
15 criminal charges being filed; or

16 (B) any criminal action undertaken in the matter  
17 involving the captured plate data.

18 (b) Any law enforcement agency that uses an ALPR system  
19 under paragraph (6) of Section 10 must update that system from  
20 the databases described in paragraph (6) of Section 10 at the  
21 beginning of each shift if the updates are available.

22 (c) Any law enforcement agency that uses an ALPR system  
23 under paragraph (6) of Section 10 may manually enter license  
24 plate numbers into the ALPR system only if an officer  
25 determines that the vehicle or individuals associated with the

1 license plate numbers are relevant and material to an ongoing  
2 criminal or missing persons investigation and subject to the  
3 following limitations:

4 (1) any manual entry must document the reason for the  
5 entry; and

6 (2) manual entries must be purged after 48 hours,  
7 unless an officer determines that the vehicle or  
8 individuals associated with the license plate numbers  
9 continue to be relevant and material to an ongoing criminal  
10 or missing persons investigation.

11 Section 20. Preservation and disclosure.

12 (a) An operator of an automatic license plate reader  
13 system, upon the request of a law enforcement agency or a  
14 defendant in a criminal case, shall take all necessary steps to  
15 preserve captured plate data in its possession for 30 days  
16 pending the issuance of a court order under Section (b). A  
17 requesting governmental entity or defendant in a criminal case  
18 must specify in a written sworn statement:

19 (1) the particular camera or cameras for which captured  
20 plate data must be preserved or the particular license  
21 plate for which captured plate data must be preserved; and

22 (2) the date or dates and timeframes for which captured  
23 plate data must be preserved.

24 (b) A law enforcement agency or defendant in a criminal  
25 case may apply for a court order for disclosure of captured

1 plate data which shall be issued by any court that is a court  
2 of competent jurisdiction if the law enforcement agency or  
3 defendant in a criminal case offers specific and articulable  
4 facts showing that there are reasonable grounds to believe that  
5 the captured plate data is relevant and material to an ongoing  
6 criminal or missing persons investigation or criminal  
7 prosecution.

8 (c) Captured plate data held by a law enforcement agency  
9 shall be destroyed if the application for an order under  
10 Section (b) of this Section is denied or at the end of 30 days,  
11 whichever is later.

12 Section 25. Allowable uses of all other captured plate  
13 data. If an ALPR system captures plate information under  
14 paragraph (1), (2), (3), (4), or (5) of Section 10 of this Act,  
15 then the captured plate information:

16 (1) shall be used and disclosed only as necessary to  
17 achieve the purpose for which the information was captured  
18 and shall not be sold, traded, or exchanged for any other  
19 purpose; and

20 (2) shall be destroyed within 48 hours of the  
21 completion of that purpose.

22 Section 30. Use of privately held captured plate data.

23 (a) A law enforcement agency may obtain, receive, or use  
24 privately-held captured plate data for the purposes described

1 in paragraph (3) of Section 10 only if the private automatic  
2 license plate reader system retains captured plate data for 30  
3 days or fewer.

4 (b) A law enforcement agency may obtain, receive, or use  
5 privately-held captured plate data for the purposes described  
6 in paragraphs (5) and (6) of Section 10 under a court order,  
7 only if the law enforcement agency offers specific and  
8 articulable facts showing that there are reasonable grounds to  
9 believe that the captured plate data is relevant and material  
10 to an ongoing criminal or missing person investigation or  
11 criminal prosecution, and only if the private automatic license  
12 plate reader system retains captured plate data for 30 days or  
13 less.

14 Section 35. Admissibility. If a court finds by a  
15 preponderance of the evidence that captured plate information  
16 was gathered, stored, used, or disclosed in violation of this  
17 Act, then that information shall be presumed to be inadmissible  
18 in any judicial or administrative proceeding. The State may  
19 overcome this presumption by proving the applicability of a  
20 judicially recognized exception to the exclusionary rule of the  
21 Fourth Amendment to the United States Constitution or Article  
22 I, Section 6 of the Illinois Constitution, or by a  
23 preponderance of the evidence that the individual,  
24 partnership, corporation, association, or the law enforcement  
25 officer was acting in good faith and reasonably believed that

1 one or more of the exceptions identified in Section 10 existed  
2 at the time that the captured plate information was gathered,  
3 stored, used, or disclosed.

4 Section 40. Reporting. Any law enforcement agency that uses  
5 automatic license plate reader systems under Section 10 shall:

6 (1) adopt a policy governing use of the system and  
7 conspicuously post the policy on the law enforcement agency's  
8 Internet Web site;

9 (2) adopt a privacy policy to ensure that captured plate  
10 data is not shared in violation of this act or any other law  
11 and conspicuously post the privacy policy on the law  
12 enforcement agency's Internet Web site;

13 (3) adopt audit procedures relating to the use of ALPR  
14 system data; and

15 (4) adopt and periodically update a comprehensive training  
16 program for agency employees who use or have access to ALPR  
17 system data, which fully trains the employees on safeguards in  
18 the use of ALPR system data and procedures to adhere to  
19 policies and procedures governing the use of ALPR system  
20 data.".