

1 AN ACT concerning the use of cell site simulator devices.

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 Citizen Privacy Protection Act.

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

7 "Cell site simulator device" means a device that transmits
8 or receives radio waves to or from a communications device that
9 can be used to intercept, collect, access, transfer, or forward
10 the data transmitted or received by the communications device,
11 or stored on the communications device, including an
12 international mobile subscriber identity (IMSI) catcher or
13 other cell phone or telephone surveillance or eavesdropping
14 device that mimics a cellular base station and transmits radio
15 waves that cause cell phones or other communications devices in
16 the area to transmit or receive radio waves, electronic data,
17 location data, information used to calculate location,
18 identifying information, communications content, or metadata,
19 or otherwise obtains this information through passive means,
20 such as through the use of a digital analyzer or other passive
21 interception device. "Cell site simulator device" does not
22 include any device used or installed by an electric utility
23 solely to the extent the device is used by that utility to

1 measure electrical usage, to provide services to customers, or
2 to operate the electric grid.

3 "Communications device" means any electronic device that
4 transmits signs, signals, writings, images, sounds, or data in
5 whole or in part by a wire, radio, electromagnetic,
6 photoelectric, or photo-optical system.

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

11 Section 10. Prohibited use of cell site simulator devices.
12 A law enforcement agency may not use a cell site simulator
13 device, except to locate or track the location of a
14 communications device or to identify a communications device.
15 Except as provided in Section 15 of the Freedom From Location
16 Surveillance Act, a court order based on probable cause that a
17 person whose location information is sought has committed, is
18 committing, or is about to commit a crime, is required for any
19 permitted use of a cell site simulator device.

20 Section 15. Application for court order.

21 (a) An application for a court order to use a cell site
22 simulator device, including an emergency application under
23 subparagraph (B) of paragraph (6) of Section 15 of the Freedom
24 From Location Surveillance Act, must include:

1 (1) a description of the nature and capabilities of the
2 cell site simulator device that will be used and the manner
3 and method of its deployment, including whether the cell
4 site simulator device will obtain data from non-target
5 communications devices; and

6 (2) a description of the procedures that will be
7 followed to protect the privacy of non-targets during the
8 investigation, including the deletion of data obtained
9 from non-target communications devices.

10 (b) If the cell site simulator device is used to locate or
11 track a known communications device, all non-target data must
12 be deleted as soon as reasonably practicable, but no later than
13 once every 24 hours.

14 (c) If the cell site simulator device is used to identify
15 an unknown communications device, all non-target data must be
16 deleted as soon as reasonably practicable, but no later than
17 within 72 hours of the time that the unknown communications
18 device is identified, absent a court order preserving the
19 non-target data and directing that it be filed under seal with
20 the court. The court may retain data obtained from a non-target
21 communications device under a court order showing good cause
22 for no longer than the period required under Supreme Court
23 Rules. The law enforcement agency is prohibited from accessing
24 data obtained from a non-target communications device for the
25 purpose of any investigation not authorized by the original
26 court order.

1 (d) A court order issued under this Section may be sealed
2 upon a showing of need, but for no more than 180 days, with any
3 extensions to be granted upon a certification that an
4 investigation remains active or a showing of exceptional
5 circumstances.

6 Section 20. Admissibility. If the court finds by a
7 preponderance of the evidence that a law enforcement agency
8 used a cell site simulator to gather information in violation
9 of the limits in Sections 10 and 15 of this Act, then the
10 information shall be presumed to be inadmissible in any
11 judicial or administrative proceeding. The State may overcome
12 this presumption by proving the applicability of a judicially
13 recognized exception to the exclusionary rule of the Fourth
14 Amendment to the U.S. Constitution or Article I, Section 6 of
15 the Illinois Constitution to the information. Nothing in this
16 Act shall be deemed to prevent a court from independently
17 reviewing the admissibility of the information for compliance
18 with the aforementioned provisions of the U.S. and Illinois
19 Constitutions.