



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2588

Introduced 2/16/2016, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

725 ILCS 167/15
725 ILCS 167/20
725 ILCS 167/25

Amends the Freedom from Drone Surveillance Act. Provides that a law enforcement agency may use a drone for law enforcement training purposes. Training must be completed in a geographically confined and time-limited manner to safeguard the privacy of individuals. The use of a drone on private property requires lawful consent. The use of a drone on land, highways, roadways, or areas belonging to the State or political subdivisions of the State does not require a search warrant or consent to search. A law enforcement agency shall make every reasonable attempt to only photograph the law enforcement training and avoid other areas or individuals. Provides that a supervisor at a law enforcement agency may retain information gathered by a drone used for law enforcement training purposes. A supervisor of a law enforcement agency who uses a drone for law enforcement training purposes may disclose particular information to another government agency. Effective immediately.

LRB099 18310 SLF 42684 b

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 Sections 15, 20, and 25 as follows:

6 (725 ILCS 167/15)

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

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

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

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

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

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

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

24 (6) If a law enforcement agency is using a drone during
25 a disaster or public health emergency, as defined by
26 Section 4 of the Illinois Emergency Management Agency Act.

1 The use of a drone under this paragraph (6) does not
2 require an official declaration of a disaster or public
3 health emergency prior to use. A law enforcement agency may
4 use a drone under this paragraph (6) to obtain information
5 necessary for the determination of whether or not a
6 disaster or public health emergency should be declared, to
7 monitor weather or emergency conditions, to survey damage,
8 or to otherwise coordinate response and recovery efforts.
9 The use of a drone under this paragraph (6) is permissible
10 during the disaster or public health emergency and during
11 subsequent response and recovery efforts.

12 (7) If a law enforcement agency is using a drone solely
13 for a law enforcement training purposes. Training must be
14 conducted in a geographically confined and time-limited
15 manner to safeguard the privacy of individuals. The use of
16 a drone on private property requires lawful consent. The
17 use of a drone on land, highways, roadways, or areas
18 belonging to the State or political subdivisions of the
19 State does not require a search warrant or consent to
20 search. Any law enforcement agency operating a drone under
21 this paragraph shall make every reasonable attempt to only
22 photograph the law enforcement training and avoid other
23 areas or individuals.

24 (Source: P.A. 98-569, eff. 1-1-14; 98-831, eff. 1-1-15.)

25 (725 ILCS 167/20)

1 Sec. 20. Information retention. If a law enforcement
2 agency uses a drone under Section 15 of this Act, the agency
3 within 30 days shall destroy all information gathered by the
4 drone, except that a supervisor at that agency may retain
5 particular information if:

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

8 (2) the information is relevant to an ongoing
9 investigation or pending criminal trial, or

10 (3) the information is collected under paragraph (7) of
11 Section 15.

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

13 (725 ILCS 167/25)

14 Sec. 25. Information disclosure. If a law enforcement
15 agency uses a drone under Section 15 of this Act, the agency
16 shall not disclose any information gathered by the drone,
17 except that a supervisor of that agency may disclose particular
18 information to another government agency, if (1) there is
19 reasonable suspicion that the information contains evidence of
20 criminal activity, ~~or~~ (2) the information is relevant to an
21 ongoing investigation or pending criminal trial, or (3) in the
22 case of training under paragraph (7) of Section 15.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.