

SB2875



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2875

Introduced 2/17/2016, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

725 ILCS 168/10

Amends the Freedom From Location Surveillance Act. Provides that a court may grant a law enforcement's request to obtain current or future location information through testimony made through electronic means using a simultaneous video and audio transmission between the requestor and judge, based on sworn testimony communicated in the transmission. The entity making the request, and the court authorizing the request shall follow the same procedure under the Code of Criminal Procedure of 1963, which authorizes the electronic issuance of search warrants.

LRB099 18953 SLF 43342 b

A BILL FOR

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 Location Surveillance Act is
5 amended by changing Section 10 as follows:

6 (725 ILCS 168/10)

7 Sec. 10. Court authorization. Except as provided in
8 Section 15, a law enforcement agency shall not obtain current
9 or future location information pertaining to a person or his or
10 her effects without first obtaining a court order under Section
11 108-4 of the Code of Criminal Procedure of 1963 based on
12 probable cause to believe that the person whose location
13 information is sought has committed, is committing, or is about
14 to commit a crime or the effect is evidence of a crime, or if
15 the location information is authorized under an arrest warrant
16 issued under Section 107-9 of the Code of Criminal Procedure of
17 1963 to aid in the apprehension or the arrest of the person
18 named in the arrest warrant. An order issued under a finding of
19 probable cause under this Section must be limited to a period
20 of 60 days, renewable by the judge upon a showing of good cause
21 for subsequent periods of 60 days. A court may grant a law
22 enforcement entity's request to obtain current or future
23 location information under this Section through testimony made

1 by electronic means using a simultaneous video and audio
2 transmission between the requestor and a judge, based on sworn
3 testimony communicated in the transmission. The entity making
4 the request, and the court authorizing the request shall follow
5 the procedure under subsection (c) of Section 108-4 of the Code
6 of Criminal Procedure of 1963 which authorizes the electronic
7 issuance of search warrants.

8 (Source: P.A. 98-1104, eff. 8-26-14.)