



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1586

Introduced 2/13/2013, by Sen. Daniel Biss

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Freedom from Tracking Device Surveillance Act. Provides that a law enforcement agency may not use a tracking device to gather evidence or other information about the location of a person or his or her property, except that a law enforcement agency may use a tracking device to gather evidence or other information about the location of a person or his or her property only if the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a tracking device. Provides that evidence obtained or collected in violation of these provisions is not admissible as evidence in any criminal, civil, administrative, or other proceeding. Provides that if during any calendar year a law enforcement agency obtains a tracking device warrant, then on the following April 1 it shall report in writing to the Illinois Criminal Justice Information Authority the number of times that it did so. Provides that on July 1 of each year, the Authority shall publish on its publicly available website a concise report that lists every law enforcement agency that obtained a tracking device warrant during the prior calendar year, and for each of those agencies, the number of tracking device warrants.

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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 1. Short title. This Act may be cited as the
5 Illinois Freedom from Tracking Device Surveillance Act.

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

7 "Authority" means the Illinois Criminal Justice
8 Information Authority.

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

13 "Tracking device" means any electronic or mechanical
14 device which permits the tracking of the movement of a person
15 or object, including but not limited to GPS devices.

16 Section 10. Prohibition. Except as provided in Section 15
17 of this Act, a law enforcement agency may not use a tracking
18 device to gather evidence or other information about the
19 location of a person or his or her property.

20 Section 15. Exception. A law enforcement agency may use a
21 tracking device to gather evidence or other information about

1 the location of a person or his or her property only if the law
2 enforcement agency first obtains a search warrant signed by a
3 judge authorizing the use of a tracking device. The warrant
4 must be based on probable cause of criminal activity supported
5 by a sworn written submission of facts from a law enforcement
6 agency. The warrant must be limited to a particular person or
7 his or her property, and limited to a particular investigation.
8 The warrant must be limited to a period of 45 days, renewable
9 by the judge upon a showing of good cause for subsequent
10 periods of 45 days. Within 10 days after the warrant expires,
11 the law enforcement agency must serve a copy of the tracking
12 device warrant on the person subject to tracking device
13 surveillance, except that a judge may delay notice upon the law
14 enforcement agency's showing of reason to believe that the
15 notice would jeopardize an ongoing investigation.

16 Section 20. Suppression. Evidence obtained or collected in
17 violation of this Act is not admissible as evidence in any
18 criminal, civil, administrative, or other proceeding.

19 Section 25. Reporting. If during any calendar year a law
20 enforcement agency obtains a tracking device warrant, then on
21 the following April 1 it shall report in writing to the
22 Authority the number of times that it did so. On July 1 of each
23 year, the Authority shall publish on its publicly available
24 website a concise report that lists every law enforcement

1 agency that obtained a tracking device warrant during the prior
2 calendar year, and for each of those agencies, the number of
3 tracking device warrants.