



Sen. Antonio Muñoz

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09900SB2588sam001

LRB099 18310 SLF 46914 a

1 AMENDMENT TO SENATE BILL 2588

2 AMENDMENT NO. _____. Amend Senate Bill 2588 by replacing
3 everything after the enacting clause with the following:

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

1 upon a showing of good cause for subsequent periods of 45
2 days.

3 (3) If a law enforcement agency possesses reasonable
4 suspicion that, under particular circumstances, swift
5 action is needed to prevent imminent harm to life, or to
6 forestall the imminent escape of a suspect or the
7 destruction of evidence. The use of a drone under this
8 paragraph (3) is limited to a period of 48 hours. Within 24
9 hours of the initiation of the use of a drone under this
10 paragraph (3), the chief executive officer of the law
11 enforcement agency must report in writing the use of a
12 drone to the local State's Attorney.

13 (4) If a law enforcement agency is attempting to locate
14 a missing person, and is not also undertaking a criminal
15 investigation.

16 (5) If a law enforcement agency is using a drone solely
17 for crime scene and traffic crash scene photography. Crime
18 scene and traffic crash photography must be conducted in a
19 geographically confined and time-limited manner to
20 document specific occurrences. The use of a drone under
21 this paragraph (5) on private property requires either a
22 search warrant based on probable cause under Section 108-3
23 of the Code of Criminal Procedure of 1963 or lawful consent
24 to search. The use of a drone under this paragraph (5) on
25 lands, highways, roadways, or areas belonging to this State
26 or political subdivisions of this State does not require a

1 search warrant or consent to search. Any law enforcement
2 agency operating a drone under this paragraph (5) shall
3 make every reasonable attempt to only photograph the crime
4 scene or traffic crash scene and avoid other areas.

5 (6) If a law enforcement agency is using a drone during
6 a disaster or public health emergency, as defined by
7 Section 4 of the Illinois Emergency Management Agency Act.
8 The use of a drone under this paragraph (6) does not
9 require an official declaration of a disaster or public
10 health emergency prior to use. A law enforcement agency may
11 use a drone under this paragraph (6) to obtain information
12 necessary for the determination of whether or not a
13 disaster or public health emergency should be declared, to
14 monitor weather or emergency conditions, to survey damage,
15 or to otherwise coordinate response and recovery efforts.
16 The use of a drone under this paragraph (6) is permissible
17 during the disaster or public health emergency and during
18 subsequent response and recovery efforts.

19 (7) If a law enforcement agency is using a drone solely
20 for a law enforcement training purposes. Training must be
21 conducted in a geographically confined and time-limited
22 manner to safeguard the privacy of individuals. The use of
23 a drone under this paragraph (7) may take place within the
24 boundaries of established law enforcement and public
25 safety training facilities. The use of a drone under this
26 paragraph (7) may take place on public lands, parks,

1 highways, roadways, or areas belonging to this State or
2 political subdivisions of this State, provided that the law
3 enforcement agency provides advance and onsite notice to
4 the public of the training. The use of a drone under this
5 paragraph (7) on private property requires lawful consent.
6 Any law enforcement agency operating a drone under this
7 paragraph (7) shall make every reasonable attempt to only
8 photograph the law enforcement training and avoid other
9 areas or individuals. Information collected from a drone
10 used by law enforcement for training purposes shall be
11 deleted as soon as no longer required for training
12 purposes.

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

14 (725 ILCS 167/20)

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

20 (1) there is reasonable suspicion that the information
21 contains evidence of criminal activity, ~~or~~

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

24 (3) the information is collected under paragraph (7) of
25 Section 15.

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

2 (725 ILCS 167/25)

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."