

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Law Enforcement Gang Database Information Act.

Section 5. Definitions. In this Act:

"Gang" has the same meaning ascribed to the term in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

"Gang database" means any database accessed by a law enforcement agency with the primary purpose to designate a person as an associate or alleged member of a gang, streetgang, or organization defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act, or includes or points to information, including, but not limited to, fact-based or uncorroborated information, that reflects a designation of that person as a gang member, not including law enforcement agency case reports, dispatching notes, or dispatch system records.

"Gang member" has the same meaning ascribed to the term in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

"Law enforcement agency" means an agency of this State or

unit of local government that is primarily responsible for the detection, investigation, or prevention of crime and the enforcement of the criminal laws of this State.

"Shared gang database" means a gang database that is accessed by an agency or person outside of the agency that created the records that populate the database.

Section 10. Requirements for use of gang databases and shared gang databases. Each law enforcement agency that maintains a gang database or has access to a shared gang database shall have a policy regarding those databases. Each policy shall be implemented on or before January, 1, 2024, except the requirements in paragraph (1) shall be implemented as soon as practicable after the effective date of this Act. The policy shall include, but not be limited to:

(1) that personnel authorized to access a gang database or shared gang database are limited to sworn law enforcement personnel, non-sworn law enforcement support personnel, criminal justice entities, or non-criminal justice technical or maintenance personnel, including information technology and information security staff and contract employees, who have been subject to character or security clearance and who have received approved training;

(2) any records contained in a gang database, shared gang database, gang-related information in a law

enforcement agency case report, gang-related information in a law enforcement agency dispatch note, or gang-related information in a law enforcement agency dispatch system record shall not be disclosed for the following purposes: employment, education, licensing, or housing, except that law enforcement and criminal justice entities may use information contained in a gang database or shared gang database for employment purposes, and records contained in a gang database or shared gang database may be disclosed to comply with federal law, for national security or homeland security purposes, for military screening purposes, or for other appropriate law enforcement purpose;

(3) security procedures; and

(4) the review and purge process from gang databases and shared gang databases.

Section 105. The Code of Criminal Procedure of 1963 is amended by adding Section 115-10.5a as follows:

(725 ILCS 5/115-10.5a new)

Sec. 115-10.5a. Admissibility of evidence concerning gang databases.

(a) In this Section, "gang database", "gang member", and "shared gang database" have the same meanings ascribed to those terms as in Section 5 of the Law Enforcement Gang

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(b) In all criminal cases, evidence which indicates the mere presence that the person was or is on a gang database or a shared gang database is not admissible.

Section 999. Effective date. This Act takes effect upon becoming law.