



Rep. Angelica Guerrero-Cuellar

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1 AMENDMENT TO HOUSE BILL 5275

2 AMENDMENT NO. _____. Amend House Bill 5275 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Drone
5 Safety and Interference Prevention Act.

6 Section 5. Findings and purpose. The General Assembly
7 finds that unlawful drone operations threaten public safety,
8 correctional facilities, and emergency response, and that
9 existing federal regulation does not adequately address State
10 criminal interests. This Act supplements federal authority
11 through traditional police powers while safeguarding
12 individual privacy and constitutional rights.

13 Section 10. Definitions. In this Act:

14 "Bodily harm" is as described in Section 12-3 of the
15 Criminal Code of 2012.

1 "Contraband" means an "item of contraband" as defined in
2 Section 31A-0.1 of the Criminal Code of 2012.

3 "Correctional institution or facility" has the meaning
4 ascribed to it in Section 3-1-2 of the Unified Code of
5 Corrections.

6 "Drone" means any aerial vehicle that does not carry a
7 human operator.

8 "Emergency response activity" means any activity
9 undertaken by a law enforcement agency, fire department,
10 emergency medical services provider, emergency management
11 agency, or other governmental agency in response to an
12 incident, accident, fire, emergency, disaster, or search and
13 rescue operation.

14 "Firearm" has the meaning ascribed to it in Section 1.1 of
15 the Firearm Owners Identification Card Act.

16 "Kinetic impact projectile", "chemical agent or irritant",
17 "lethal projectile", "great bodily harm", and "non-lethal
18 projectile" are as described in Section 7-5.5 of the Criminal
19 Code of 2012.

20 "Laser" has the meaning ascribed to it in Section 26-7 of
21 the Criminal Code of 2012.

22 "Operator" means a person who controls, directs, or causes
23 the operation of a drone, whether directly or through
24 autonomous or programmed means.

25 "Part 107 operational waiver" means a waiver or
26 authorization issued by the Federal Aviation Administration

1 under 14 CFR Part 107 permitting deviation from one or more
2 provisions of the Small Unmanned Aircraft Systems rule.

3 "Private person or entity" means any individual,
4 corporation, partnership, limited liability company, or other
5 business entity or any association, society, or organization.
6 "Person" does not include any governmental agency, law
7 enforcement agency, fire department, emergency medical
8 services provider, emergency management agency, or other unit
9 of government.

10 Section 15. Interfering drone operations at emergency
11 scenes.

12 (a) As used in this Section, "materially distracts or
13 interferes" refers to actions that cause emergency personnel
14 to divert attention from their duties, alter tactical
15 positioning, take evasive measures to address a drone, or
16 impede access to or movement within the emergency scene.

17 (b) Offense. A person commits unlawful drone operation at
18 an emergency scene when the person knowingly:

19 (1) operates a drone:

20 (A) below 200 feet above ground level;

21 (B) within 400 feet horizontally of an emergency
22 response activity, as reasonably identifiable by the
23 presence of emergency vehicles, personnel, equipment,
24 or marked emergency perimeters; and

25 (C) in a manner that physically obstructs,

1 materially distracts or interferes, or reasonably
2 creates a safety hazard to emergency response
3 personnel, emergency vehicles or aircraft engaged in
4 the response, or individuals involved in the emergency
5 response situation;

6 (2) uses, discloses, publishes, or otherwise shares
7 any image or visual media or depiction that the person
8 knows or reasonably should know was obtained in violation
9 of paragraph (1) of this subsection (b). This paragraph
10 applies solely to the drone operator.

11 (c) Nothing in this Section shall be construed to:

12 (1) prohibit any person from photographing, recording,
13 transmitting, streaming, publishing, or otherwise
14 disseminating images, video, or audio of emergency
15 response activity from any location, including by drone,
16 where that person and the drone are lawfully present and
17 the drone is not operated in a manner that satisfies all of
18 the elements in subsection (b); or

19 (2) impose criminal or civil liability based solely on
20 the content, viewpoint, subject matter, or subsequent use,
21 disclosure, or publication of any image, video, or audio
22 recording in a manner that does not violate subsection
23 (b).

24 (d) Clarification regarding airspace regulation. Nothing
25 in this Section shall be construed to regulate or prohibit the
26 mere operation or flight path of a drone in the national

1 airspace system.

2 (e) Penalty. A person who violates this Section commits a
3 Class A misdemeanor. Each separate flight or operation during
4 which a drone is operated in violation of paragraph (1) of
5 subsection (b) constitutes a separate offense.

6 (e-5) Each separate act of use, disclosure, publication,
7 or sharing of images or visual depictions in violation of
8 paragraph (2) of subsection (b) shall constitute a separate
9 offense.

10 (f) Exemptions. This Section does not apply to:

11 (1) the operation of a drone, or the capture,
12 transmission, or use of images or audio, by or under the
13 direction of a law enforcement agency, fire department,
14 emergency management agency, or other governmental agency
15 acting within the scope of its official duties and in
16 compliance with applicable federal law, including any
17 Certificate of Authorization or Part 107 operational
18 waiver issued by the Federal Aviation Administration; or

19 (2) the operation of a drone, or the capture,
20 transmission, or use of images or audio, that is expressly
21 authorized for a particular emergency response activity by
22 the incident commander or by the governmental agency in
23 charge of the emergency response; or (3) the operation of
24 a drone conducted pursuant to, and in material compliance
25 with, a valid Part 107 operational waiver or other written
26 authorization issued by the Federal Aviation

1 Administration, provided that such operation does not
2 satisfy all of the elements in subsection (b).

3 Section 20. Private use; weapons prohibition.

4 (a) A private person or entity operating a drone in this
5 State is prohibited from equipping or using on the drone any
6 firearm, weaponized laser, kinetic impact projectile, chemical
7 agent or irritant, or any other lethal or non-lethal
8 projectile.

9 (b) (1) A person who violates subsection (a) commits a
10 Class A misdemeanor if the violation does not cause bodily
11 harm.

12 (2) A person who violates subsection (a) and causes bodily
13 harm commits a Class 4 felony.

14 (c) Construction. Nothing in this Section shall be
15 construed to:

16 (1) preempt or limit the authority of the Federal
17 Aviation Administration over the navigable airspace of the
18 United States; or

19 (2) authorize any operation or equipping of a drone
20 contrary to federal law or regulation.

21 Section 25. Operation over correctional institution or
22 facility; contraband delivery prohibition.

23 (a) A person commits unlawful operation of a drone over a
24 correctional institution or facility when the person knowingly

1 and intentionally operates a drone to:

2 (1) fly over a correctional institution or facility at
3 an altitude of less than 400 feet above ground level and
4 within a horizontal distance of 250 feet;

5 (2) make contact with a correctional institution or
6 facility, including any person or object on the premises
7 of or within the facility; or

8 (3) deliver, or attempt to deliver, contraband to a
9 correctional institution or facility.

10 (b) For purposes of this Section, horizontal distance
11 extends outward from the furthest exterior building walls,
12 perimeter fences, permanent fixed perimeter, or another
13 boundary clearly marked with posted notices of the
14 correctional or detention facility. Posted notices shall be
15 conspicuously posted not more than 100 yards apart along a
16 marked boundary and shall comply with guidelines issued by the
17 Illinois Department of Transportation, Division of
18 Aeronautics.

19 (c) Nothing in this Section shall be construed to regulate
20 or prohibit the mere operation or flight path of a drone in the
21 national airspace system. The offense under this Section is
22 limited to the intentional or knowing conduct described in
23 subsection (a).

24 (d) A violation of paragraph (1) or (2) of subsection (a)
25 is a Class C misdemeanor. A violation of paragraph (3) of
26 subsection (a) has the same penalties as a violation of

1 Section 31A-1.1 of the Criminal Code of 2012.

2 (e) This Section does not apply to:

3 (1) a person employed by a correctional or detention
4 facility who operates the drone within the scope of the
5 person's employment; or

6 (2) a person who receives prior written permission
7 from the authority operating the correctional institution
8 or facility to operate the drone over the facility.

9 Section 30. Seizure of drones.

10 (a) A law enforcement officer may seize a drone and any
11 attached equipment, including any image-capturing devices,
12 storage media, or weapons, if the officer has probable cause
13 to believe the drone was used or operated in violation of this
14 Act.

15 (b) Any drone or equipment seized under subsection (a) is
16 subject to forfeiture in accordance with Section 36-1 of the
17 Criminal Code of 2012 and Article 124B of the Code of Criminal
18 Procedure of 1963, as applicable. If Section 36-1 of the
19 Criminal Code of 2012 and Article 124B of the Code of Criminal
20 Procedure of 1963 do not apply, the drone shall be immediately
21 returned to the drone operator or owner.

22 (c) No images or data seized under this Section shall be
23 retained by a State or municipal agency, or its employees,
24 unless there is probable cause that they contain evidence of a
25 crime and the court has provided notice and an opportunity for

1 hearing to the owner or operator of the drone. If there is no
2 probable cause to retain data or images from the drone or any
3 attached storage device, no images or data shall be retained
4 by any State or municipal agency or any of its employees. No
5 State or municipal agency shall delete, destroy, or otherwise
6 remove or edit any data or images stored on the drone or any
7 attached storage device. Any data that has been retained
8 following a hearing with the drone operator must be deleted
9 within 30 days unless relevant to an ongoing investigation.

10 Section 35. Civil immunity. The State, any unit of local
11 government, law enforcement agency, or its officers or agents
12 acting reasonably and in good faith to enforce this Act are not
13 civilly liable for damage to or loss of a drone, except for
14 willful or wanton misconduct.

15 Section 40. Enforcement. This Act shall be enforced by
16 State and local law enforcement agencies.

17 Section 45. Construction. Nothing in this Act shall be
18 construed to:

19 (1) preempt or limit the authority of the Federal
20 Aviation Administration over the navigable airspace of the
21 United States;

22 (2) authorize any operation or use of a drone in a
23 manner contrary to federal law or regulation; or

1 (3) limit or repeal the Freedom from Drone
2 Surveillance Act, the Illinois Aeronautics Act, or any
3 other drone-related or unmanned aircraft provision of the
4 Criminal Code of 2012, the Code of Criminal Procedure of
5 1963, or the Wildlife Code.

6 Section 50. Fines deposited into State Police Enforcement
7 Fund. All fines and civil penalties collected under this Act
8 shall be deposited into the State Police Enforcement Fund.
9 Moneys deposited into the Fund under this Act shall be used by
10 the Illinois State Police for grants to law enforcement
11 agencies for drone system detection and countermeasures,
12 public safety enforcement, counter-drone equipment and
13 training at correctional or detention facilities and related
14 public safety initiatives.

15 Section 55. Rulemaking authority. The Illinois State
16 Police, in consultation with the Illinois Department of
17 Transportation, Division of Aeronautics, may adopt rules as
18 necessary to implement and enforce this Act, including
19 standards for drone detection equipment, signage
20 specifications, training requirements for counter-drone
21 operations, and procedures for coordination with federal
22 aviation authorities.

23 Section 60. Annual reporting. Enforcement data under this

1 Act shall be reported through the Illinois State Police's
2 Uniform Crime Reporting program.

3 Section 97. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 99. Effective date. This Act takes effect January
6 1, 2027.".