



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3278

Introduced 2/3/2026, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

- 5 ILCS 855/5
- 5 ILCS 855/15
- 5 ILCS 855/16 new
- 5 ILCS 855/25
- 5 ILCS 855/42 new

Amends the Protecting Household Privacy Act. Provides that "household electronic device" includes residential security and surveillance systems. In provisions regarding exceptions from the Act, provides that lawful consent shall be obtained in accordance with specified provisions. Provides that a private entity, including the manufacturer or distributor of a household electronic device, or third party which collects, processes, stores, uses, or shares data in partnership with the private entity, shall obtain lawful consent to share household electronic data pertaining only to a single crime investigation with a law enforcement agency through a written opt-in request to the owner of the household electronic device or person in actual or constructive possession of the household electronic device. Provides that nothing in the Act shall be construed to permit a law enforcement agency to disclose household electronic data for federal immigration purposes. Provides that any person or entity that collects, processes, stores, uses, or shares household electronic data shall take reasonable measures to ensure the confidentiality, integrity, and security of any household electronic data. Effective immediately.

LRB104 20235 BDA 34049 b

1 AN ACT concerning government.

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

4 Section 5. The Protecting Household Privacy Act is amended
5 by changing Sections 5, 15, and 25 and by adding Sections 16
6 and 42 as follows:

7 (5 ILCS 855/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Electronic communication" means any origination,
10 transmission, emission, transfer, or reception of signs,
11 signals, data, writings, images, video, audio, or intelligence
12 of any nature by telephone, including cellular telephones or a
13 wire, Internet, wireless, radio, electromagnetic,
14 photo-electronic or photo-optical system, cable television,
15 fiber optic, satellite, microwave, Internet-based or wireless
16 distribution network, system, facility or related technology.

17 "Household" means any single or multiple family dwelling,
18 including but not limited to a single family home, house,
19 apartment, mobile home, trailer, building, condominium,
20 duplex, townhouse, or other living quarters, used or intended
21 to be used as a dwelling place and immediately surrounding
22 area.

23 "Household electronic device" means any device primarily

1 intended for use within a household that is capable of
2 facilitating any electronic communication, excluding personal
3 computing devices and digital gateway devices. "Household
4 electronic device" includes residential security and
5 surveillance systems. For purposes of this Act: "personal
6 computing device" means a personal computer, cell phone,
7 smartphone, or tablet; and "digital gateway device" means a
8 modem, router, wireless access point, or cable set-top box
9 serviced by a cable provider.

10 "Household electronic data" means any information or input
11 provided by a person to a household electronic device.

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

16 (Source: P.A. 102-597, eff. 1-1-22.)

17 (5 ILCS 855/15)

18 Sec. 15. Exceptions. This Act does not prohibit a law
19 enforcement agency from obtaining household electronic data:

20 (1) If a law enforcement agency first obtains a warrant
21 under Section 108-4 of the Code of Criminal Procedure of 1963.

22 (2) To respond to a call for emergency services concerning
23 the user or possessor of a household electronic device.

24 (3) In an emergency situation:

25 (A) involving a clear and present danger of imminent

1 death or great bodily harm to a person or persons
2 resulting from a kidnapping, abduction, or the holding of
3 a hostage by force or the threat of the imminent use of
4 force;

5 (B) where there was no previous notice of the
6 emergency to the investigative or law enforcement officer
7 sufficient to obtain prior judicial approval and the
8 officer reasonably believes that an order permitting the
9 obtaining of household electronic data would issue were
10 there prior judicial review;

11 (C) the household electronic data is necessary and the
12 only potential data available to prevent imminent death or
13 great bodily harm to a person or persons; and

14 (D) the data must and can be accessed before a warrant
15 could be issued to prevent imminent death or great bodily
16 harm to a person or persons.

17 (4) With the lawful consent of the owner of the household
18 electronic device or person in actual or constructive
19 possession of the household electronic device, excluding law
20 enforcement personnel. Lawful consent shall be obtained in
21 accordance with Section 16 of this Act for this exception to
22 apply.

23 (5) In all emergency cases arising under paragraph (2) or
24 (3), an application for a search warrant approving the
25 previous obtaining of household electronic data must be made
26 within 72 hours of its commencement. In order to approve

1 obtaining household electronic data, the judge must make a
2 determination:

3 (A) that he or she would have granted a search warrant
4 had the information been before the court prior to the
5 obtaining of the household electronic data; and

6 (B) there was an emergency situation as defined in
7 subparagraph (C) of paragraph (3).

8 If an application for approval under this paragraph is
9 denied, the household electronic data obtained under this
10 exception shall be inadmissible in accordance with Section 30.
11 (Source: P.A. 102-597, eff. 1-1-22.)

12 (5 ILCS 855/16 new)

13 Sec. 16. Lawful consent for law enforcement to acquire
14 data. A private entity, including the manufacturer or
15 distributor of a household electronic device, or third party
16 which collects, processes, stores, uses, or shares data in
17 partnership with the private entity, shall obtain lawful
18 consent to share household electronic data pertaining only to
19 a single crime investigation with a law enforcement agency
20 through a written opt-in request to the owner of the household
21 electronic device or person in actual or constructive
22 possession of the household electronic device. The written
23 request must include the following:

24 (1) details about the single crime incident;

25 (2) the date and timeframe for the requested footage;

- 1 (3) a map showing the area the request covers;
- 2 (4) the name and contact information of the law
- 3 enforcement agency investigator;
- 4 (5) a unique investigation reference number or
- 5 identifier;
- 6 (6) clear and concise language about who is
- 7 collecting, processing, or storing the data;
- 8 (7) the length of term for which data is being
- 9 collected, processed, stored, used, and shared; and
- 10 (8) policies about measures the private entity, third
- 11 party, and law enforcement agency has in place to ensure
- 12 the security of the data.

13 (5 ILCS 855/25)

14 Sec. 25. Information disclosure by law enforcement
15 agencies.

16 (a) If a law enforcement agency obtains household
17 electronic data under Section 15, the agency shall not
18 disclose any information obtained, except that a supervisor of
19 that agency may disclose particular information to another
20 government agency, employee of a government agency, or
21 material witness:

22 (1) if the information is relevant to a criminal
23 proceeding or investigation by a grand jury; or

24 (2) with the lawful consent of the owner, or person in
25 actual or constructive possession, of the household

1 electronic device.

2 (b) When disclosing household electronic data to any other
3 party, the disclosing law enforcement agency must make
4 reasonable efforts to limit disclosure to the minimum
5 necessary to accomplish the intended purpose of the
6 disclosure.

7 (c) Nothing in this Act shall be construed to permit a law
8 enforcement agency to disclose household electronic data for
9 federal immigration purposes.

10 (Source: P.A. 102-597, eff. 1-1-22.)

11 (5 ILCS 855/42 new)

12 Sec. 42. Security of storage and access. Any person or
13 entity that collects, processes, stores, uses, or shares
14 household electronic data shall take reasonable measures to
15 ensure the confidentiality, integrity, and security of any
16 household electronic data.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.