

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB3930**

Introduced 2/6/2026, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

New Act

Creates the Drone Safety and Interference Prevention Act. Creates the offenses of (1) unlawful imaging of an emergency response activity; (2) unlawful operation over critical infrastructure facilities; and (3) unlawful operation of a drone over a correctional institution or facility. Defines these offenses and establishes penalties. Provides that a private person or entity operating a drone in the State is prohibited from equipping or using on the drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon. Provides that a law enforcement officer may seize a drone and any attached equipment, including any image-capturing devices, storage media, or weapons, if the officer has probable cause to believe the drone was used or operated in violation of the Act. Provides that any drone or equipment seized under the Act is subject to forfeiture in accordance with the Criminal Code of 2012 and the Forfeiture Article of the Code of Criminal Procedure of 1963, as applicable. Provides that the State may use forfeited drones and equipment for law enforcement purposes, including training and counter-drone operations. Provides that prior to forfeiture, the court shall provide notice and an opportunity for hearing to the owner or operator of the drone, unless the drone was abandoned or unclaimed. Provides that, if the court determines, by a preponderance of the evidence, that the drone was used in violation of the Act, the drone shall be forfeited to the State. Provides that any images or data seized under the provision shall be retained only if there is a reasonable suspicion they contain evidence of a crime. Provides that all other data must be deleted within 30 days unless relevant to an ongoing investigation. Provides that the State, any unit of local government, any law enforcement agency or any officers or agents of those entities that are acting reasonably and in good faith to enforce the Act are not civilly liable for damage to or loss of a drone, except for willful or wanton misconduct. Provides that the Act shall be enforced by State and local law enforcement agencies. Provides that enforcement data under the Act shall be reported through the Illinois State Police's existing Uniform Crime Reporting program. Contains a severability provision. Effective January 1, 2027.

LRB104 19734 RLC 33184 b

1 AN ACT concerning drones.

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 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 critical infrastructure, correctional facilities, and
9 emergency response, and that existing federal regulation does
10 not adequately address State criminal interests. This Act
11 supplements federal authority through traditional police
12 powers while safeguarding individual privacy and
13 constitutional rights.

14 Section 10. Definitions. In this Act:

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

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

20 "Critical infrastructure facility" means any one or more
21 of the following facilities:

22 (1) a petroleum or alumina refinery;

1 (2) an electrical power generating facility,
2 substation, switching station, electrical control center,
3 or electric power lines and associated equipment
4 infrastructure;

5 (3) a chemical, polymer, or rubber manufacturing
6 facility;

7 (4) a water intake structure, water treatment
8 facility, wastewater treatment plant, or pump station;

9 (5) a natural gas compressor station;

10 (6) a liquid natural gas terminal or storage facility;

11 (7) wireline and wireless communications
12 infrastructure;

13 (8) a port, railroad switching yard, trucking
14 terminal, or other freight transportation facility;

15 (9) a gas processing plant, including a plant used in
16 the processing, treatment, or fractionation of natural gas
17 or natural gas liquids;

18 (10) a transmission facility used by a federally
19 licensed radio or television station;

20 (11) a steelmaking facility that uses an electric arc
21 furnace to make steel;

22 (12) a facility identified and regulated by the United
23 States Department of Homeland Security Chemical Facility
24 Anti-Terrorism Standards (CFATS) program;

25 (13) a dam that is regulated by the State or federal
26 government;

1 (14) a natural gas distribution utility facility,
2 including, but not limited to, pipeline interconnections,
3 a city gate or town border station, metering station,
4 below-ground or aboveground pipeline or piping and
5 truck-loading or offloading facility, a natural gas
6 storage facility, a natural gas transmission facility, or
7 a natural gas utility distribution facility;

8 (15) a crude oil or refined products storage and
9 distribution facility, including, but not limited to, a
10 valve site, pipeline interconnection, pump station,
11 metering station, below-ground or aboveground pipeline or
12 piping, and truck-loading or offloading facility;

13 (16) a military facility, including a national guard
14 facility and equipment storage area where non-military
15 personnel are prohibited;

16 (17) a Department of Transportation facility and a
17 location near or on a road or highway where the public is
18 prohibited;

19 (18) a health care facility;

20 (19) any aboveground portion of an oil, gas, hazardous
21 liquid or chemical pipeline, tank, or other storage
22 facility that is enclosed by a fence, other physical
23 barrier, or is clearly marked with signs prohibiting
24 trespassing, that are obviously designed to exclude
25 intruders; or

26 (20) a commercial service airport as defined by the

1 Federal Aviation Administration.

2 "Drone" means any aerial vehicle that does not carry a
3 human operator.

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

10 "Firearm", "laser", "kinetic impact projectile", "chemical
11 agent or irritant", "lethal weapon", "bodily harm", "great
12 bodily harm", and "non-lethal weapon" have the meanings
13 ascribed to them in the Criminal Code of 2012.

14 "Operator" means a person who controls, directs, or causes
15 the operation of a drone, whether directly or through
16 autonomous or programmed means.

17 "Part 107 operational waiver" means a waiver or
18 authorization issued by the Federal Aviation Administration
19 under 14 CFR Part 107 permitting deviation from one or more
20 provisions of the Small Unmanned Aircraft Systems rule.

21 "Private person or entity" means any individual,
22 corporation, partnership, limited liability company, or other
23 business entity or any association, society, or organization.

24 "Person" does not include any governmental agency, law
25 enforcement agency, fire department, emergency medical
26 services provider, emergency management agency, or other unit

1 of government.

2 Section 15. Unlawful imaging of emergency response
3 activity.

4 (a) A person commits unlawful imaging of an emergency
5 response activity when the person knowingly uses a drone to:

6 (1) knowingly capture, record, transmit, or stream any
7 still image, video, or other visual depiction of an
8 emergency response activity:

9 (A) while the drone is operating at an altitude of
10 less than 400 feet above ground level; and

11 (B) within a lateral distance of 1,000 feet of the
12 location at which the emergency response activity is
13 occurring, as reasonably identifiable from the air by
14 the presence of emergency vehicles, personnel,
15 equipment, or marked emergency perimeters.

16 (2) knowingly use, disclose, publish, or otherwise
17 share any image or visual depiction that the person knows
18 or reasonably should know was obtained in violation of
19 paragraph (1) of this subsection (a).

20 (b) Nothing in this Section shall be construed to regulate
21 or prohibit the mere operation or flight path of a drone in the
22 national airspace system. The offense under this Section is
23 limited to the knowing collection, transmission, use, or
24 disclosure of images as described in subsection (a).

25 (c) A person who violates this Section commits a Class A

1 misdemeanor. Each separate flight or operation during which
2 one or more images are captured, transmitted, used, or
3 disclosed in violation of subsection (a) shall constitute a
4 separate offense.

5 (d) This Section does not apply to:

6 (1) the capture, transmission, use, or disclosure of
7 images by or under the direction of a law enforcement
8 agency, fire department, emergency management agency, or
9 other governmental agency acting within the scope of its
10 official duties and in compliance with applicable federal
11 law, including any Certificate of Authorization or Part
12 107 operational waiver issued by the Federal Aviation
13 Administration;

14 (2) the capture, transmission, use, or disclosure of
15 images that is expressly authorized for a particular
16 emergency response activity by the incident commander or
17 by the governmental agency in charge of the emergency
18 response;

19 (3) the capture, transmission, use, or disclosure of
20 images conducted pursuant to, and in material compliance
21 with, a valid Part 107 operational waiver or other written
22 authorization issued by the Federal Aviation
23 Administration, provided that such activity does not
24 otherwise interfere with or impede emergency response
25 activity; or

26 (4) the capture of images of any political protest,

1 march, demonstration, rally, or other assembly protected
2 by the First Amendment of the United States Constitution
3 or Section 4 of Article I of the Illinois Constitution.

4 Section 20. Private use; weapons prohibition.

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

9 (b)(1) Except as otherwise provided in paragraphs (2)
10 through (4) of this subsection (b), a person who violates
11 subsection (a) commits a Class A misdemeanor.

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

14 (3) A person who violates subsection (a) and causes great
15 bodily harm to another person commits a Class 3 felony.

16 (4) A person who violates subsection (a) and causes the
17 death of another person commits a Class 1 felony.

18 (c) Construction. Nothing in this Section shall be
19 construed to:

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

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

1 Section 25. Operation over critical infrastructure
2 facilities.

3 (a) A person commits unlawful operation over critical
4 infrastructure facilities when the person intentionally or
5 knowingly operates a drone to:

6 (1) operate over a critical infrastructure facility at
7 an altitude of less than 400 feet above ground level and
8 within a horizontal distance of 250 feet; or

9 (2) make contact with a critical infrastructure
10 facility, including any person or object on the premises
11 of or within the facility.

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

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

25 (d) A person who violates this Section commits a Class A
26 misdemeanor. Each separate flight or operation in violation of

1 subsection (a) shall constitute a separate offense.

2 (e) This Section does not apply to:

3 (1) the federal government;

4 (2) the State of Illinois or any public body;

5 (3) a law enforcement agency;

6 (4) a person under contract with or otherwise acting
7 under the direction or on behalf of the federal
8 government, the State of Illinois, a public body, or a law
9 enforcement agency;

10 (5) an owner or operator of the critical
11 infrastructure facility;

12 (6) a person who has the prior written consent of the
13 owner or operator of the critical infrastructure facility;

14 (7) the owner or occupant of the property on which the
15 critical infrastructure facility is located;

16 (8) a person who has the prior written consent of the
17 owner or occupant of the property on which the critical
18 infrastructure facility is located; or

19 (9) the capture, transmission, use, or disclosure of
20 images conducted pursuant to, and in material compliance
21 with, a valid Part 107 operational waiver or other written
22 authorization issued by the Federal Aviation
23 Administration.

24 Section 30. Operation over correctional institution or
25 facility; contraband delivery prohibition.

1 (a) A person commits unlawful operation of a drone over a
2 correctional institution or facility when the person knowingly
3 and intentionally operates a drone to:

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

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

10 (3) deliver, or attempt to deliver, contraband to a
11 correctional institution or facility.

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

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

26 (d) (1) Except as otherwise provided in paragraphs (2) and

1 (3) of this subsection (d), a violation of paragraph (1) or (2)
2 of subsection (a) is a Class A misdemeanor. A violation of
3 paragraph (3) of subsection (a) is a Class 2 felony.

4 (2) A violation of paragraph (3) of subsection (a) is a
5 Class 1 felony if the contraband is:

6 (A) a firearm, firearm ammunition, or a controlled
7 substance, as defined in the Illinois Controlled
8 Substances Act; or

9 (B) the offense is committed by a person employed by
10 the correctional institution or facility.

11 (3) A violation of paragraph (3) of subsection (a) is a
12 Class X felony if the contraband is Category I contraband,
13 including a firearm, explosive, acid, or any item that may
14 cause death or great bodily harm.

15 (e) In addition to other penalties provided by law for
16 commission of a felony under subsection (a)(3), a sentence
17 imposed under this Section shall include a fine of not less
18 than \$1,500.

19 (f) Each separate flight or operation in violation of
20 subsection (a) shall constitute a separate offense.

21 (g) This Section does not apply to:

22 (1) a person employed by a correctional or detention
23 facility who operates the drone within the scope of the
24 person's employment; or

25 (2) a person who receives prior written permission
26 from the authority operating the correctional institution

1 or facility to operate the drone over the facility.

2 Section 35. Seizure of drones.

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

8 (b) Any drone or equipment seized under subsection (a) is
9 subject to forfeiture in accordance with Section 36-1 of the
10 Criminal Code of 2012 and Article 124B of the Code of Criminal
11 Procedure of 1963, as applicable. The State may use forfeited
12 drones and equipment for law enforcement purposes, including
13 training and counter-drone operations.

14 (c) Prior to forfeiture, the court shall provide notice
15 and an opportunity for hearing to the owner or operator of the
16 drone, unless the drone was abandoned or unclaimed. If the
17 court determines by a preponderance of the evidence that the
18 drone was used in violation of this Act, the drone shall be
19 forfeited to the State.

20 (d) Any images or data seized under this Section shall be
21 retained only if there is reasonable suspicion they contain
22 evidence of a crime. All other data must be deleted within 30
23 days unless relevant to an ongoing investigation.

24 Section 40. Civil immunity. The State, any unit of local

1 government, law enforcement agency, or its officers or agents
2 acting reasonably and in good faith to enforce this Act are not
3 civilly liable for damage to or loss of a drone, except for
4 willful or wanton misconduct.

5 Section 45. Enforcement. This Act shall be enforced by
6 State and local law enforcement agencies.

7 Section 50. Construction. Nothing in this Act shall be
8 construed to:

9 (1) preempt or limit the authority of the Federal
10 Aviation Administration over the navigable airspace of the
11 United States;

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

14 (3) limit or repeal the Freedom from Drone
15 Surveillance Act, the Illinois Aeronautics Act, or any
16 other drone-related or unmanned aircraft provision of the
17 Criminal Code of 2012, the Code of Criminal Procedure of
18 1963, or the Wildlife Code.

19 Section 55. Fines deposited into State Police Enforcement
20 Fund. All fines and civil penalties collected under this Act
21 shall be deposited into the State Police Enforcement Fund.
22 Moneys deposited into the Fund under this Act shall be used by
23 the Illinois State Police for grants to law enforcement

1 agencies for drone system detection and countermeasures,
2 public safety enforcement, counter-drone equipment and
3 training at correctional or detention facilities, and critical
4 infrastructure, and related public safety initiatives.

5 Section 60. Rulemaking authority. The Illinois State
6 Police, in consultation with the Illinois Department of
7 Transportation, Division of Aeronautics, may adopt rules as
8 necessary to implement and enforce this Act, including
9 standards for drone detection equipment, signage
10 specifications, training requirements for counter-drone
11 operations, and procedures for coordination with federal
12 aviation authorities.

13 Section 65. Annual reporting. Enforcement data under this
14 Act shall be reported through the Illinois State Police's
15 existing Uniform Crime Reporting (UCR) program.

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

18 Section 99. Effective date. This Act takes effect January
19 1, 2027.