Rep. John C. D'Amico

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1   AMENDMENT TO HOUSE BILL 4405

2   AMENDMENT NO. _____. Amend House Bill 4405 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 Section 15 and 35 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 to

20   prepare for or monitor safety and security at a large-scale

21   event, if drone usage is limited to legitimate public

22   safety purposes, including, but not limited to, evaluating

23   crowd size, density, or movement; assessing public safety

24   vulnerabilities or weaknesses; determining appropriate

25   staffing levels for law enforcement or other public safety

26   personnel; or identifying possible criminal activity. In

1   this paragraph (7), "large-scale event" means a publicly or

2   privately held event reasonably estimated, at the

3   inception of the event, to be attended by more than 100

4   persons at a sports or entertainment arena, stadium,

5   convention hall, special event center, amusement facility,

6   a special event area licensed or permitted for use under

7   the authority of a unit of local government, or an event

8   open to the public that takes place on a public way or

9   government-owned property. A law enforcement agency that

10   uses a drone under this paragraph (7) shall not equip the

11   drone with tear gas canisters, stun gun technology, or any

12   other dangerous or deadly weapon or fire a projectile from

13   a drone. In this paragraph (7), "dangerous or deadly

14   weapon" means any firearm, or other weapon, device,

15   instrument, material, or substance, whether animate or

16   inanimate, which in the manner it is used or is intended to

17   be used is known to be capable of producing death or

18   serious bodily injury.

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

20   (725 ILCS 167/35)

21   Sec. 35. Reporting.

22   (a) If a law enforcement agency owns one or more drones,

23   then subsequent to the effective date of this Act, it shall

24   report in writing annually by April 1 to the Authority the

25   following:

1   (1) the number of drones that the law enforcement
2   agency ~~it~~ owns; and
3   (2) the number of times in the previous year that the
4   law enforcement agency has deployed a drone under each of
5   the exceptions under Section 15 of this Act, including the
6   exception used, the date of the deployment, and location of
7   the deployment.
8   (b) On July 1 of each year, the Authority shall publish on
9   its publicly available website a concise report that lists
10   every law enforcement agency that owns a drone, and for each of
11   those agencies, the number of drones that it owns.
12   (Source: P.A. 98-569, eff. 1-1-14.)

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