



Sen. Patricia Van Pelt

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LRB100 05197 SLF 41093 a

1 AMENDMENT TO SENATE BILL 275

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 275 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. In this Act:

7 "Gang" has the same meaning ascribed to the term in Section  
8 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

9 "Gang database" means any database, or data maintained in  
10 multiple databases accessed by a law enforcement agency with  
11 the primary purpose to designate a person as an associate or  
12 alleged member of a gang, streetgang, or organization defined  
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act, or includes or points to information,  
15 including, but not limited to, fact-based or uncorroborated  
16 information, that reflects a designation of that person as a

1 gang member, not including law enforcement agency case reports,  
2 dispatching notes, or dispatch system records.

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

6 "Law enforcement agency" means an agency of this State or  
7 unit of local government who is primarily responsible for the  
8 detection, investigation, or prevention of crime and the  
9 enforcement of the criminal laws of this State.

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

13 Section 10. Requirements for use of gang databases and  
14 shared gang databases. Each law enforcement agency who  
15 maintains a gang database or has access to a shared gang  
16 database shall have a policy regarding those databases. Each  
17 policy shall be implemented on or before July 1, 2019, except  
18 the requirements in paragraph (1) of this Section shall be  
19 implemented as soon as practicable after the effective date of  
20 this Act. The policy shall include, but not be limited to:

21 (1) that personnel authorized to access a gang database or  
22 shared gang database are limited to sworn law enforcement  
23 personnel, non-sworn law enforcement support personnel,  
24 criminal justice entities, or non-criminal justice technical  
25 or maintenance personnel, including information technology and

1 information security staff and contract employees, who have  
2 been subject to character or security clearance and who have  
3 received approved training;

4 (2) any records contained in a gang database, shared gang  
5 database, gang-related information in a law enforcement agency  
6 case report, gang-related information in a law enforcement  
7 agency dispatch note, or gang-related information in a law  
8 enforcement agency dispatch system record shall not be  
9 disclosed, including, but not limited to, for the following  
10 purposes: employment, education, licensing, or housing, except  
11 that law enforcement and criminal justice entities may use  
12 information contained in a gang database or shared gang  
13 database for employment purposes, and records contained in a  
14 gang database or shared gang database may be disclosed to  
15 comply with federal law, for national security or homeland  
16 security purposes, for military screening purposes, or for  
17 other appropriate law enforcement purpose;

18 (3) security procedures; and

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

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

23 (725 ILCS 5/115-10.5a new)

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

1 databases.

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

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

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