



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0066

Introduced 1/23/2019, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

New Act
725 ILCS 5/115-10.5a new

Creates the Law Enforcement Gang Database Information Act. Provides that each law enforcement agency that maintains a gang database or has access to a shared gang database shall have a policy regarding those databases. Provides that the policy shall include, but not be limited to: (1) that personnel authorized to access a gang database or shared gang database are limited to sworn law enforcement personnel, non-sworn law enforcement support personnel, criminal justice entities, or non-criminal justice technical or maintenance personnel, including information technology and information security staff and contract employees, who have been subject to character or security clearance and who have received approved training; (2) any records contained in a gang database, shared gang database, gang-related information in a law enforcement agency case report, gang-related information in a law enforcement agency dispatch note, or gang-related information in a law enforcement agency dispatch system record shall not be disclosed for the following purposes: employment, education, licensing, or housing, except that law enforcement and criminal justice entities may use information contained in a gang database or shared gang database for employment purposes, and records contained in a gang database or shared gang database may be disclosed to comply with federal law, for national security or homeland security purposes, for military screening purposes, or for other appropriate law enforcement purpose; (3) security procedures; and (4) the review and purge process from gang databases and shared gang databases. Defines terms. Amends the Code of Criminal Procedure of 1963. Provides that in all criminal cases, evidence which indicates the mere presence that the person was or is on a gang database or a shared gang database is not admissible. Effective immediately.

LRB101 07110 SLF 52147 b

1 AN ACT concerning gang databases.

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

19 "Gang member" has the same meaning ascribed to the term in
20 Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 "Law enforcement agency" means an agency of this State or
23 unit of local government that is primarily responsible for the

1 detection, investigation, or prevention of crime and the
2 enforcement of the criminal laws of this State.

3 "Shared gang database" means a gang database that is
4 accessed by an agency or person outside of the agency that
5 created the records that populate the database.

6 Section 10. Requirements for use of gang databases and
7 shared gang databases. Each law enforcement agency that
8 maintains a gang database or has access to a shared gang
9 database shall have a policy regarding those databases. Each
10 policy shall be implemented on or before July 1, 2019, except
11 the requirements in paragraph (1) shall be implemented as soon
12 as practicable after the effective date of this Act. The policy
13 shall include, but not be limited to:

14 (1) that personnel authorized to access a gang database or
15 shared gang database are limited to sworn law enforcement
16 personnel, non-sworn law enforcement support personnel,
17 criminal justice entities, or non-criminal justice technical
18 or maintenance personnel, including information technology and
19 information security staff and contract employees, who have
20 been subject to character or security clearance and who have
21 received approved training;

22 (2) any records contained in a gang database, shared gang
23 database, gang-related information in a law enforcement agency
24 case report, gang-related information in a law enforcement
25 agency dispatch note, or gang-related information in a law

1 enforcement agency dispatch system record shall not be
2 disclosed for the following purposes: employment, education,
3 licensing, or housing, except that law enforcement and criminal
4 justice entities may use information contained in a gang
5 database or shared gang database for employment purposes, and
6 records contained in a gang database or shared gang database
7 may be disclosed to comply with federal law, for national
8 security or homeland security purposes, for military screening
9 purposes, or for other appropriate law enforcement purpose;

10 (3) security procedures; and

11 (4) the review and purge process from gang databases and
12 shared gang databases.

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

15 (725 ILCS 5/115-10.5a new)

16 Sec. 115-10.5a. Admissibility of evidence concerning gang
17 databases.

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

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

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.