



Sen. Michael E. Hastings

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10300HB2245sam002

LRB103 25366 MXP 60642 a

1 AMENDMENT TO HOUSE BILL 2245

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2245 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by adding  
5 Sections 4-110 and 4-111 as follows:

6 (625 ILCS 5/4-110 new)

7 Sec. 4-110. Stolen vehicle recovery hotline. In a county  
8 having a population of 3,000,000 or more, the county sheriff  
9 shall establish with other law enforcement agencies a vehicle  
10 theft hotline to facilitate interaction with vehicle  
11 manufacturers and vehicle location vendors consistent with the  
12 Freedom From Location Surveillance Act. The county sheriff  
13 shall collaborate with vehicle manufacturers, dealers, and  
14 vehicle location vendors to provide information and assistance  
15 to law enforcement officers in the investigation of a  
16 vehicular hijacking or kidnapping incident and ensure that

1 consumers are provided with information concerning the  
2 hotline, new or used vehicles manufactured with stolen vehicle  
3 locator capabilities, and how consumers can activate stolen  
4 vehicle locator services by publishing the information in a  
5 conspicuous location on the county sheriff's website.

6 (625 ILCS 5/4-111 new)

7 Sec. 4-111. Manufacturer's vehicle incident hotline; law  
8 enforcement verification; manufacturer statements.

9 (a) Unless the manufacturer or its vehicle location vendor  
10 operates an existing vehicle location service line, a  
11 manufacturer of any vehicle sold in this State shall maintain  
12 a telephone number that is staffed and available to State,  
13 county, and local law enforcement agencies and their  
14 respective 9-1-1 system call centers or designated dispatch  
15 centers 24 hours a day, 7 days a week to assist law enforcement  
16 with locating vehicles in the investigation of vehicles stolen  
17 in vehicular hijacking incidents or that have been used in the  
18 commission of a kidnapping. The hotline for the manufacturer  
19 or the manufacturer's vehicle location vendor shall relay  
20 vehicle location information, including real-time vehicle  
21 location information whenever reasonably possible, to the  
22 9-1-1 call center or designated dispatch center or sworn law  
23 enforcement personnel for any of the responding law  
24 enforcement agencies, to the best of the manufacturer's or  
25 vehicle location vendor's technical capability when:

1           (1) a warrant or other court order has been issued  
2           relating to the vehicle's location information and  
3           provided to the manufacturer or the vehicle location  
4           vendor; or

5           (2) the vehicle owner lawfully consents to the vehicle  
6           location information being shared with the 9-1-1 call  
7           center or designated dispatch center and responding law  
8           enforcement officials; or

9           (3) the 9-1-1 call center or designated dispatch  
10           center or responding law enforcement officials:

11           (A) provides adequate verification to the  
12           manufacturer or the vehicle location vendor, of their  
13           identity as law enforcement and the identity of the  
14           responding law enforcement official; and

15           (B) the responding law enforcement officials shall  
16           certify to the manufacturer or the vehicle location  
17           vendor, that the situation involves a clear and  
18           present danger of death or great bodily harm to  
19           persons resulting from the vehicular hijacking or  
20           kidnapping incident.

21           (b) State, county, and local law enforcement agencies  
22           shall use their respective 9-1-1 system call centers or  
23           designated dispatch centers for the purpose of verification of  
24           law enforcement officers' identities and bona fide incident  
25           report numbers related to incidents.

26           (c) If a vehicle is equipped with functioning vehicle

1 location tracking capability, but the capability is not  
2 currently activated, the manufacturer or the vehicle location  
3 vendor shall waive all fees associated with initiating,  
4 renewing, reestablishing, or maintaining the vehicle location  
5 service the vehicle is equipped with during the investigation  
6 of the vehicle being stolen in a vehicular hijacking incident  
7 or being used in the commission of kidnapping incident when  
8 law enforcement has confirmed that the situation involves a  
9 clear and present danger of death or great bodily harm to  
10 persons as described in paragraph (3) of subsection (a) and  
11 requires disclosure of vehicle location information without  
12 delay.

13 (d) A vehicle manufacturer or a subsidiary, vendor,  
14 employee, officer, director, representative, or contractor of  
15 the vehicle manufacturer shall not be liable and no cause of  
16 action shall arise under the laws of this State for providing,  
17 or in good faith attempting to provide, information or  
18 assistance to a law enforcement agency, 9-1-1 call center, or  
19 designated dispatch center pursuant to the mechanisms and  
20 processes established under this Section.

21 Section 10. The Freedom From Location Surveillance Act is  
22 amended by changing Section 15 as follows:

23 (725 ILCS 168/15)

24 Sec. 15. Exceptions. This Act does not prohibit a law

1 enforcement agency from seeking to obtain location  
2 information:

3 (1) to respond to a call for emergency services  
4 concerning the user or possessor of an electronic device;

5 (2) with the lawful consent of the owner of the  
6 electronic device or person in actual or constructive  
7 possession of the item being tracked by the electronic  
8 device;

9 (3) to lawfully obtain location information broadly  
10 available to the general public without a court order when  
11 the location information is posted on a social networking  
12 website, or is metadata attached to images and video, or  
13 to determine the location of an Internet Protocol (IP)  
14 address through a publicly available service;

15 (4) to obtain location information generated by an  
16 electronic device used as a condition of release from a  
17 penal institution, as a condition of pre-trial release,  
18 probation, conditional discharge, parole, mandatory  
19 supervised release, or other sentencing order, or to  
20 monitor an individual released under the Sexually Violent  
21 Persons Commitment Act or the Sexually Dangerous Persons  
22 Act;

23 (5) to aid in the location of a missing person;

24 (6) in emergencies as follows:

25 (A) Notwithstanding any other provisions of this  
26 Act, any investigative or law enforcement officer may

1 seek to obtain location information in an emergency  
2 situation as defined in this paragraph (6). This  
3 paragraph (6) applies only when there was no previous  
4 notice of the emergency to the investigative or law  
5 enforcement officer sufficient to obtain prior  
6 judicial approval, and the officer reasonably believes  
7 that an order permitting the obtaining of location  
8 information would issue were there prior judicial  
9 review. An emergency situation exists when:

10 (i) the use of the electronic device is  
11 necessary for the protection of the investigative  
12 or law enforcement officer or a person acting at  
13 the direction of law enforcement; or

14 (ii) the situation involves:

15 (aa) a clear and present danger of  
16 imminent death or great bodily harm to persons  
17 resulting from:

18 (I) the use of force or the threat of  
19 the imminent use of force,

20 (II) a kidnapping or the holding of a  
21 hostage by force or the threat of the  
22 imminent use of force, or

23 (III) the occupation by force or the  
24 threat of the imminent use of force of any  
25 premises, place, vehicle, vessel, or  
26 aircraft;

- 1 (bb) an abduction investigation;
- 2 (cc) conspiratorial activities  
3 characteristic of organized crime;
- 4 (dd) an immediate threat to national  
5 security interest;
- 6 (ee) an ongoing attack on a computer  
7 comprising a felony;~~or~~
- 8 (ff) escape under Section 31-6 of the  
9 Criminal Code of 2012; or ~~-~~
- 10 (gg) vehicular hijacking.

11 (B) In all emergency cases, an application for an  
12 order approving the previous or continuing obtaining  
13 of location information must be made within 72 hours  
14 of its commencement. In the absence of the order, or  
15 upon its denial, any continuing obtaining of location  
16 information gathering shall immediately terminate. In  
17 order to approve obtaining location information, the  
18 judge must make a determination (i) that he or she  
19 would have granted an order had the information been  
20 before the court prior to the obtaining of the  
21 location information and (ii) there was an emergency  
22 situation as defined in this paragraph (6).

23 (C) In the event that an application for approval  
24 under this paragraph (6) is denied, the location  
25 information obtained under this exception shall be  
26 inadmissible in accordance with Section 20 of this

1 Act; or

2 (7) to obtain location information relating to an  
3 electronic device used to track a vehicle or an effect  
4 which is owned or leased by that law enforcement agency.

5 (Source: P.A. 101-460, eff. 8-23-19.)".