



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0107

Introduced 1/24/2023, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board may investigate complaints concerning drone use by a law enforcement agency. Provides that if a pattern of willful and wanton violations is confirmed, the law enforcement agency shall take actions to prevent future violations through specified means. Provides that if the agency fails to take actions to address the violations and prevent future violations from occurring, then the Board may restrict the agency's ability to use its drones for a period not to exceed 3 months per incident. Amends the Freedom from Drone Surveillance Act. Changes the name of the Act to the Drones as First Responders Act. Defines "permitted special event". Adds various exemptions allowing the use of drones. Permits records of drone usage, including flight path data, metadata, or telemetry information of specific flights, to be disclosed subject to the Freedom of Information Act and rules adopted under that Act. Provides that the information relating to infrastructure inspections conducted at the request of a local governmental agency may be disclosed to that local governmental agency or, in the case of traffic and parking evaluations conducted at school, it may also be disclosed to the school or any engineering staff involved in the process. Provides that nothing in the Act prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic crash investigation. Changes drone usage reporting requirements of law enforcement agencies to the Illinois Criminal Justice Information Authority. Makes other changes, and amends the School Code to make conforming changes. Provides that a drone may not be used over a school unless the parents are notified by a principal or administrator prior to the use of the drone.

LRB103 24892 RLC 51226 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 5. The Illinois Police Training Act is amended by  
5 adding Section 8.5 as follows:

6 (50 ILCS 705/8.5 new)

7 Sec. 8.5. Illinois Law Enforcement Training Standards  
8 Board; violations of the Drones as First Responders Act. The  
9 Board may investigate complaints of violations of the Drones  
10 as First Responders Act, if the images, photos, or video, are  
11 being maintained in accordance with Section 20 of the Drones  
12 as First Responders Act. If a pattern of willful and wanton  
13 violations is confirmed, the law enforcement agency shall take  
14 actions to prevent future violations through any of the  
15 following means: training, discipline, removal of the pilot  
16 from its drone program, or other means that will prevent  
17 repeated violations. If the agency fails to take actions to  
18 address the violations and prevent future violations from  
19 occurring, then the Board may restrict the agency's ability to  
20 use its drones for a period not to exceed 3 months per  
21 incident.

22 Section 10. The School Code is amended by adding Sections

1 10-27.1C and 34-240 as follows:

2 (105 ILCS 5/10-27.1C new)

3 Sec. 10-27.1C. Use of drone; notice to parents. A law  
4 enforcement agency may use a drone for the purpose of  
5 evaluating traffic flow and parking around the school. The  
6 drone may not be used by the law enforcement agency unless the  
7 school board first authorizes the law enforcement agency to  
8 use a drone over the school. The school board may authorize the  
9 use of a drone at the annual review conducted under Section 25  
10 of the School Safety Drill Act or through a separate board  
11 action. A drone may not be used over a school unless the  
12 parents are notified by a principal or administrator prior to  
13 the use of the drone. Nothing in this Section shall be  
14 construed to prohibit a law enforcement agency from using a  
15 drone in accordance with the Drones as First Responders Act.

16 In this Section, "drone" and "law enforcement agency" have  
17 the meanings provided for those terms in Section 5 of the  
18 Drones as First Responders Act.

19 (105 ILCS 5/34-240 new)

20 Sec. 34-240. Use of drones; notice to parents. A law  
21 enforcement agency may use a drone for the purpose of  
22 evaluating traffic flow and parking around the school. The  
23 drone may not be used by the law enforcement agency unless the  
24 school board first authorizes the law enforcement agency to

1 use a drone over the school. The school board may authorize the  
2 use of a drone at the annual review conducted under Section 25  
3 of the School Safety Drill Act or through a separate board  
4 action. A drone may not be used over a school unless the  
5 parents are notified by a principal or administrator prior to  
6 the use of the drone. Nothing in this Section shall be  
7 construed to prohibit a law enforcement agency from using a  
8 drone in accordance with the Drones as First Responders Act.

9 In this Section, "drone" and "law enforcement agency" have  
10 the meanings provided for those terms in Section 5 of the  
11 Drones as First Responders Act.

12 Section 15. The Freedom from Drone Surveillance Act is  
13 amended by changing Sections 1, 5, 15, 20, 25, and 35 and by  
14 adding Section 17 as follows:

15 (725 ILCS 167/1)

16 Sec. 1. Short title. This Act may be cited as the Drones as  
17 First Responders ~~Freedom from Drone Surveillance~~ Act.

18 (Source: P.A. 98-569, eff. 1-1-14.)

19 (725 ILCS 167/5)

20 Sec. 5. Definitions. As used in this Act:

21 "Authority" means the Illinois Criminal Justice  
22 Information Authority.

23 "Drone" means any aerial vehicle that does not carry a

1 human operator.

2 "Information" means any evidence, images, sounds, data, or  
3 other information gathered by a drone.

4 "Law enforcement agency" means any agency of this State or  
5 a political subdivision of this State which is vested by law  
6 with the duty to maintain public order and to enforce criminal  
7 laws.

8 "Permitted special event" means a nonroutine activity:

9 (1) for which a permit has been issued by the  
10 responsible governmental agency, including, but not  
11 limited to, the State of Illinois or a county,  
12 municipality, township, park district, or other unit of  
13 local government; and

14 (2) that is either open to the public or for which the  
15 organizer has consented to the use of a drone.

16 (Source: P.A. 98-569, eff. 1-1-14.)

17 (725 ILCS 167/15)

18 Sec. 15. Exceptions. This Act does not prohibit the use of  
19 a drone by a law enforcement agency:

20 (1) To counter a high risk of a terrorist attack by a  
21 specific individual or organization if the United States  
22 Secretary of Homeland Security determines that credible  
23 intelligence indicates that there is that risk.

24 (2) If a law enforcement agency first obtains a search  
25 warrant based on probable cause issued under Section 108-3

1 of the Code of Criminal Procedure of 1963. The warrant  
2 must be limited to a period of 45 days, renewable by the  
3 judge upon a showing of good cause for subsequent periods  
4 of 45 days.

5 (3) If a law enforcement agency possesses reasonable  
6 suspicion that, under particular circumstances, swift  
7 action is needed to prevent imminent harm to life, or to  
8 forestall the imminent escape of a suspect or the  
9 destruction of evidence. The use of a drone under this  
10 paragraph (3) is limited to a period of 48 hours. Within 24  
11 hours of the initiation of the use of a drone under this  
12 paragraph (3), the chief executive officer of the law  
13 enforcement agency must report in writing the use of a  
14 drone to the local State's Attorney.

15 (4) If a law enforcement agency is attempting to  
16 locate a missing person, engaging in search and rescue  
17 operations, or aiding a person who cannot otherwise be  
18 safely reached, and is not also undertaking a criminal  
19 investigation.

20 (5) If a law enforcement agency is using a drone  
21 solely for crime scene and traffic crash scene  
22 photography. Crime scene and traffic crash photography  
23 must be conducted in a geographically confined and  
24 time-limited manner to document specific occurrences. The  
25 use of a drone under this paragraph (5) on private  
26 property requires either a search warrant based on

1           probable cause under Section 108-3 of the Code of Criminal  
2           Procedure of 1963 or lawful consent to search. The use of a  
3           drone under this paragraph (5) on lands, highways,  
4           roadways, or areas belonging to this State or political  
5           subdivisions of this State does not require a search  
6           warrant or consent to search. Any law enforcement agency  
7           operating a drone under this paragraph (5) shall make  
8           every reasonable attempt to only photograph the crime  
9           scene or traffic crash scene and avoid other areas.

10           (6) If a law enforcement agency is using a drone  
11           during a disaster or public health emergency, as defined  
12           by Section 4 of the Illinois Emergency Management Agency  
13           Act. The use of a drone under this paragraph (6) does not  
14           require an official declaration of a disaster or public  
15           health emergency prior to use. A law enforcement agency  
16           may use a drone under this paragraph (6) to obtain  
17           information necessary for the determination of whether or  
18           not a disaster or public health emergency should be  
19           declared, to monitor weather or emergency conditions, to  
20           survey damage, or to otherwise coordinate response and  
21           recovery efforts. The use of a drone under this paragraph  
22           (6) is permissible during the disaster or public health  
23           emergency and during subsequent response and recovery  
24           efforts.

25           (7) To conduct an infrastructure inspection of a  
26           designated building or structure at the express request of

1 a local governmental agency or to conduct an evaluation of  
2 traffic flow around a school in order to assist the  
3 school, law enforcement agency, and engineering staff to  
4 determine the optimal flow of traffic and parking around  
5 the school. The school evaluation shall be preplanned and  
6 limited to the immediate roadway and parking areas at and  
7 adjacent to the school. The school board or the board's  
8 designee must authorize the use of the drone for this  
9 purpose and, when feasible, shall notify parents ahead of  
10 time that this evaluation is planned.

11 (8) To demonstrate the capabilities and functionality  
12 of a police drone for public relations purposes, provided  
13 that no information is recorded by the drone during such a  
14 demonstration.

15 (9) In response to Public Safety Answering Point  
16 (PSAP) dispatched calls for service, when the primary  
17 purpose for using a drone is to locate victims, or to  
18 coordinate the response of emergency vehicles and  
19 personnel to an emergency.

20 (10) To investigate a drone being used in violation of  
21 Federal Aviation Administration rules that pertain to  
22 safety, to include flying beyond visual line of sight,  
23 interfering with the flight of manned aircraft, flying  
24 over people, flying in Federal Aviation Administration  
25 restricted areas (such as adjacent to or at airports or  
26 areas that have a Federal Aviation Administration-issued



1 Temporary Flight Restriction).

2 (11) If a law enforcement agency is using a drone at a  
3 permitted special event or at a public event hosted by a  
4 governmental unit in which a permit is not issued by the  
5 governmental unit, such as a parade, street festival,  
6 sporting event, or other similar event. The use of a drone  
7 under this paragraph (11) requires that:

8 (A) signs are posted at major entry points to the  
9 event that clearly communicate to the participants  
10 that a drone may be used for the purpose of real-time  
11 monitoring of participant safety; and

12 (B) the drone is flown in accordance with Federal  
13 Aviation Administration safety regulations.

14 Under this exception (11), a law enforcement agency  
15 may use the drone:

16 (i) in advance of an event before event  
17 participants have begun to assemble to determine  
18 appropriate access routes, staging areas, and traffic  
19 routes; or

20 (ii) during the event to proactively support  
21 public safety personnel by monitoring the event  
22 footprint for the following in real time:

23 (I) to detect any breach of public event space  
24 to include: unauthorized vehicles, interruptions  
25 of parade routes, breaching event barricades, or  
26 fencing;

1                   (II) to monitor crowd size and density in real  
2                   time;

3                   (III) to provide real-time monitoring for  
4                   activity that could present a public safety issue  
5                   for the crowd as a whole, including crowd  
6                   movement;

7                   (IV) to assist in the response of public  
8                   safety personnel to a real-time public safety  
9                   incident at the event; and

10                   (V) to assess the traffic and pedestrian flow  
11                   around the event in real time.

12                   (12) To conduct department-approved training for any  
13                   of the types of operations authorized by the preceding  
14                   exemptions, while complying with Section 20 of this Act.

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

16                   (725 ILCS 167/17 new)

17                   Sec. 17. Use of facial recognition. A law enforcement  
18                   agency operating a drone under this Act is prohibited from  
19                   using, during a flight, onboard facial recognition software  
20                   that works in conjunction with the drone, unless there is a  
21                   reasonable suspicion that a felony, as defined in Section 2-7  
22                   of the Criminal Code of 2012, is occurring or has just occurred  
23                   at that location or in the immediate vicinity; or the law  
24                   enforcement agency is attempting to locate a specific person  
25                   who it reasonably believes may cause great bodily harm to one

1 or more persons at that location. Nothing in this Act prevents  
2 a law enforcement agency from using captured images, photos,  
3 or video from a drone at a later time to identify persons  
4 involved in criminal activity, if the images, photos, or video  
5 are being maintained in accordance with Section 20 of this  
6 Act.

7 (725 ILCS 167/20)

8 Sec. 20. Information retention.

9 (a) If a law enforcement agency uses a drone under Section  
10 15 of this Act, the agency ~~within 30 days~~ shall destroy, within  
11 the following time frames, all photos, videos, and images  
12 gathered by the drone: ~~information gathered by the drone,~~  
13 ~~except that a supervisor at that agency may retain particular~~  
14 ~~information if:~~

15 (1) for photos, videos, and images gathered pursuant  
16 to paragraphs (1) through (11) of Section 15, within 30  
17 days.

18 (2) for photos, videos, and images gathered pursuant  
19 to paragraph (12) of Section 15, within 7 days.

20 (b) Notwithstanding subsection (a), a supervisor at a law  
21 enforcement agency may retain particular information if:

22 (1) there is reasonable suspicion that the information  
23 contains evidence of criminal activity; ~~or~~

24 (2) the information is relevant to an ongoing  
25 investigation or pending criminal trial;

1           (3) a supervisor at the agency deems that the  
2           information will be used exclusively for training  
3           purposes, provided that any such information shall not  
4           contain any personally identifiable information;

5           (4) the information consists of flight path data,  
6           metadata, or telemetry information of the drone;

7           (5) the information relates to infrastructure  
8           inspections conducted at the request of a local  
9           governmental agency or traffic and parking evaluations  
10           conducted at a school; or

11           (6) the information was gathered during the  
12           investigation of a drone being used in violation of  
13           Federal Aviation Administration safety rules as stated in  
14           paragraph (10) of Section 15.

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

16           (725 ILCS 167/25)

17           Sec. 25. Information disclosure.

18           (a) If a law enforcement agency uses a drone under Section  
19        15 of this Act, the agency shall not disclose any information  
20        gathered by the drone, except that a supervisor of that agency  
21        may disclose particular information to another governmental  
22        ~~government~~ agency, if (1) there is reasonable suspicion that  
23        the information contains evidence of criminal activity, or (2)  
24        the information is relevant to an ongoing investigation or  
25        pending criminal trial.

1       (b) Records of drone usage, including flight path date,  
2 metadata, or telemetry information of specific flights, may be  
3 disclosed subject to the Freedom of Information Act and rules  
4 adopted under that Act.

5       (c) Information relating to infrastructure inspections  
6 conducted at the request of a local governmental agency may be  
7 disclosed to that local governmental agency or in the case of  
8 traffic and parking evaluations conducted at a school it may  
9 also be disclosed to the school or any engineering staff  
10 involved in the process.

11       (d) Nothing in this Act prevents the disclosure of  
12 information through a court order or subpoena in connection  
13 with a criminal proceeding or if the disclosure is in regard to  
14 a completed traffic crash investigation.

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

16       (725 ILCS 167/35)

17       Sec. 35. Reporting.

18       (a) If a law enforcement agency owns one or more drones,  
19 then subsequent to the effective date of this Act, it shall  
20 report in writing annually by April 1 to the Authority the  
21 number of drones that it owns, the number of times a drone was  
22 used pursuant to paragraphs (3), (4), (5), (6), (7), (8), and  
23 (9) of Section 15, including the date of use, time of use,  
24 reason for use, location, whether video was recorded, and  
25 whether the video is designated for retention for training

1 purposes. The report shall contain a copy of the agency's  
2 latest policy concerning drones as of the most recent April 1.

3 (b) On July 1 of each year, the Authority shall publish on  
4 its publicly available website a concise report that lists  
5 every law enforcement agency that owns a drone, and for each of  
6 those agencies, the number of drones that it owns, the number  
7 of times a drone was used pursuant to paragraphs (3), (4), (5),  
8 (6), (7), (8), and (9) of Section 15, including the date of  
9 use, time of use, reason for use, location, whether video was  
10 recorded, whether the video is designated for retention for  
11 training purposes. The report shall contain a copy of the  
12 agency's latest policy concerning drones as of the most recent  
13 April 1.

14 (c) Each law enforcement agency that uses a drone shall  
15 implement and make publicly available on its website the law  
16 enforcement agency's policy governing the operation, use,  
17 administration, and oversight of its drone program.

18 (Source: P.A. 98-569, eff. 1-1-14.)

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 705/8.5 new

4 105 ILCS 5/10-27.1C new

5 105 ILCS 5/34-240 new

6 725 ILCS 167/1

7 725 ILCS 167/5

8 725 ILCS 167/15

9 725 ILCS 167/17 new

10 725 ILCS 167/20

11 725 ILCS 167/25

12 725 ILCS 167/35