



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1459

Introduced 2/7/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Automated License Plate Recognition System Data Act. Provides that a law enforcement agency may use recorded automated license plate recognition system (ALPR) data and historical ALPR system data only for a legitimate law enforcement purpose. Provides that ALPR system data collected by law enforcement and historical ALPR system data collected by law enforcement may not be used, shared, sold, traded, or exchanged for any other purpose. Requires law enforcement agencies using an automated license plate recognition system to: adopt a policy governing use of the system; adopt a privacy policy to ensure that ALPR system data and historical ALPR system data is not used or shared in violation of this Act; adopt audit procedures relating to use of ALPR system data and historical ALPR system data; and adopt and periodically update a comprehensive training program for agency employees who use or have access to ALPR system data and procedures to adhere to policies and procedures governing use of ALPR system data or historical ALPR system data. Provides that a State or local law enforcement agency may retain ALPR system data for 5 years. Provides that after 5 years, the State or local law enforcement agency must create an internal record showing why data older than 5 years was accessed, and attach a case name and number, the name of the officer that accessed the data, the date, and an explanation for why the data was accessed. Prohibits admission of data that is used in violation of the Act in a court or administrative proceeding. Prohibits less restrictive local regulation, including by home rule units. Defines terms. Amends the Freedom of Information Act to exempt ALPR system and historical ALPR system data from disclosure under the Act.

LRB103 28273 MXP 54652 b

1 AN ACT concerning transportation.

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
5 Automated License Plate Recognition System Data Act.

6 Section 5. Definitions. As used in this Act:

7 "ALPR system data" means data packets representing
8 interpretation by ALPR systems of recorded vehicle license
9 plates affixed to vehicles in the field of view of ALPR system
10 cameras, with associated global positioning system
11 coordinates, and time and date stamps associated with the
12 recording of the data.

13 "Automated license plate recognition system" or "ALPR
14 system" means a system of one or more mobile, portable, or
15 fixed video cameras using computer algorithms to convert
16 images of license plates into automated computer-recognized
17 searchable alphanumeric data, including associated servers,
18 data normalization technologies, and similar technologies.

19 "Historical ALPR system data" means data recorded by ALPR
20 systems that are stored in an authorized ALPR system platform.

21 "Law enforcement agency" means an agency of this State,
22 another state within the United States, a unit of local
23 government, or a political subdivision of any of the

1 preceding, that is vested by law or ordinance with the duty to
2 maintain public order or to enforce criminal laws and
3 ordinances.

4 "Legitimate law enforcement purpose" means for the purpose
5 of the investigation of a criminal offense or violation of a
6 federal, State, or local law or ordinance by a law enforcement
7 agency.

8 "Secured area" means an area, enclosed by clear
9 boundaries, to which access is limited and not open to the
10 public and entry is obtainable only through specific
11 access-control points.

12 Section 10. ALPR system data and historical ALPR system
13 data protections.

14 (a) A law enforcement agency may use recorded ALPR system
15 data and historical ALPR system data only for a legitimate law
16 enforcement purpose. ALPR system data collected by law
17 enforcement and historical ALPR system data collected by law
18 enforcement may not be used, shared, sold, traded, or
19 exchanged for any other purpose.

20 (b) ALPR system data and historical ALPR system data shall
21 be considered and treated by a law enforcement agency as
22 sensitive data, but the data is not in the same category as
23 personally identifying information.

24 (c) ALPR system data and historical ALPR system data are
25 not subject to disclosure under the Freedom of Information

1 Act.

2 (d) This Act does not apply to automated license plate
3 recognition systems or similar systems:

4 (1) used for electronic toll collection and
5 enforcement;

6 (2) used in government buildings and other locations
7 for security purposes or controlling access to a secured
8 area;

9 (3) used for private sector activities; or

10 (4) used for any purpose for which motor vehicle
11 registration data may be accessed under 18 U.S.C. 2721.

12 Section 15. Use and privacy policy. Any law enforcement
13 agency that uses automated license plate recognition systems
14 shall:

15 (1) adopt a policy governing use of the system;

16 (2) adopt a privacy policy to ensure strict access and
17 control of the data so that ALPR system data and
18 historical ALPR system data are not used or shared in
19 violation of this Act;

20 (3) adopt audit procedures relating to use of ALPR
21 system data and historical ALPR system data; and

22 (4) adopt and periodically update a comprehensive
23 training program, for agency employees who use or have
24 access to ALPR system data and historical ALPR system
25 data, that fully trains the employees on safeguards in use

1 of ALPR system data or historical ALPR system data and
2 procedures to adhere to policies and procedures governing
3 use of ALPR system data or historical ALPR system data.

4 Section 20. ALPR system data retention. A State or local
5 law enforcement agency may retain ALPR system data for 5
6 years. After 5 years, the State or local law enforcement
7 agency must create an internal record showing why data older
8 than 5 years was accessed, and attach a case name and number,
9 the name of the officer that accessed the data, the date, and
10 an explanation for why the data was accessed.

11 Section 25. Admissibility. If a court finds by a
12 preponderance of the evidence that ALPR system data or
13 historical ALPR system data was gathered, stored, used, or
14 disclosed in violation of this Act, then that information
15 shall be presumed to be inadmissible in any judicial or
16 administrative proceeding. The party seeking admission of the
17 ALPR system data or historical ALPR system data may overcome
18 this presumption by proving the applicability of a judicially
19 recognized exception to the exclusionary rule of the Fourth
20 Amendment to the United States Constitution or Section 6 of
21 Article I of the Illinois Constitution or by a preponderance
22 of the evidence that the law enforcement agency was acting in
23 good faith and reasonably believed that one or more of the
24 exceptions existed at the time that the ALPR system data or

1 historical ALPR system data was gathered, stored, used, or
2 disclosed.

3 Section 30. Home rule and other local regulation. Any home
4 rule unit of local government, any non-home rule municipality,
5 or any non-home rule county within the unincorporated
6 territory of the county may regulate law enforcement
7 agency-owned automated license plate recognition systems and
8 the use of ALPR system data collected by law enforcement and
9 historical ALPR system data collected by law enforcement, but
10 that regulation must be no less restrictive than this Act.
11 This Section is a limitation on the concurrent exercise of
12 home rule power under subsection (i) of Section 6 of Article
13 VII of the Illinois Constitution.

14 Section 100. The Freedom of Information Act is amended by
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions. To the extent provided for
18 by the statutes referenced below, the following shall be
19 exempt from inspection and copying:

20 (a) All information determined to be confidential
21 under Section 4002 of the Technology Advancement and
22 Development Act.

23 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other
6 records prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a
5 local emergency energy plan ordinance that is adopted
6 under Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

10 (k) Law enforcement officer identification information
11 or driver identification information compiled by a law
12 enforcement agency or the Department of Transportation
13 under Section 11-212 of the Illinois Vehicle Code.

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the
25 Capital Crimes Litigation Act. This subsection (n) shall
26 apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty
2 prior to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Department of Transportation under Sections 2705-300 and
10 2705-616 of the Department of Transportation Law of the
11 Civil Administrative Code of Illinois, the Regional
12 Transportation Authority under Section 2.11 of the
13 Regional Transportation Authority Act, or the St. Clair
14 County Transit District under the Bi-State Transit Safety
15 Act.

16 (q) Information prohibited from being disclosed by the
17 Personnel Record Review Act.

18 (r) Information prohibited from being disclosed by the
19 Illinois School Student Records Act.

20 (s) Information the disclosure of which is restricted
21 under Section 5-108 of the Public Utilities Act.

22 (t) All identified or deidentified health information
23 in the form of health data or medical records contained
24 in, stored in, submitted to, transferred by, or released
25 from the Illinois Health Information Exchange, and
26 identified or deidentified health information in the form

1 of health data and medical records of the Illinois Health
2 Information Exchange in the possession of the Illinois
3 Health Information Exchange Office due to its
4 administration of the Illinois Health Information
5 Exchange. The terms "identified" and "deidentified" shall
6 be given the same meaning as in the Health Insurance
7 Portability and Accountability Act of 1996, Public Law
8 104-191, or any subsequent amendments thereto, and any
9 regulations promulgated thereunder.

10 (u) Records and information provided to an independent
11 team of experts under the Developmental Disability and
12 Mental Health Safety Act (also known as Brian's Law).

13 (v) Names and information of people who have applied
14 for or received Firearm Owner's Identification Cards under
15 the Firearm Owners Identification Card Act or applied for
16 or received a concealed carry license under the Firearm
17 Concealed Carry Act, unless otherwise authorized by the
18 Firearm Concealed Carry Act; and databases under the
19 Firearm Concealed Carry Act, records of the Concealed
20 Carry Licensing Review Board under the Firearm Concealed
21 Carry Act, and law enforcement agency objections under the
22 Firearm Concealed Carry Act.

23 (v-5) Records of the Firearm Owner's Identification
24 Card Review Board that are exempted from disclosure under
25 Section 10 of the Firearm Owners Identification Card Act.

26 (w) Personally identifiable information which is

1 exempted from disclosure under subsection (g) of Section
2 19.1 of the Toll Highway Act.

3 (x) Information which is exempted from disclosure
4 under Section 5-1014.3 of the Counties Code or Section
5 8-11-21 of the Illinois Municipal Code.

6 (y) Confidential information under the Adult
7 Protective Services Act and its predecessor enabling
8 statute, the Elder Abuse and Neglect Act, including
9 information about the identity and administrative finding
10 against any caregiver of a verified and substantiated
11 decision of abuse, neglect, or financial exploitation of
12 an eligible adult maintained in the Registry established
13 under Section 7.5 of the Adult Protective Services Act.

14 (z) Records and information provided to a fatality
15 review team or the Illinois Fatality Review Team Advisory
16 Council under Section 15 of the Adult Protective Services
17 Act.

18 (aa) Information which is exempted from disclosure
19 under Section 2.37 of the Wildlife Code.

20 (bb) Information which is or was prohibited from
21 disclosure by the Juvenile Court Act of 1987.

22 (cc) Recordings made under the Law Enforcement
23 Officer-Worn Body Camera Act, except to the extent
24 authorized under that Act.

25 (dd) Information that is prohibited from being
26 disclosed under Section 45 of the Condominium and Common

1 Interest Community Ombudsperson Act.

2 (ee) Information that is exempted from disclosure
3 under Section 30.1 of the Pharmacy Practice Act.

4 (ff) Information that is exempted from disclosure
5 under the Revised Uniform Unclaimed Property Act.

6 (gg) Information that is prohibited from being
7 disclosed under Section 7-603.5 of the Illinois Vehicle
8 Code.

9 (hh) Records that are exempt from disclosure under
10 Section 1A-16.7 of the Election Code.

11 (ii) Information which is exempted from disclosure
12 under Section 2505-800 of the Department of Revenue Law of
13 the Civil Administrative Code of Illinois.

14 (jj) Information and reports that are required to be
15 submitted to the Department of Labor by registering day
16 and temporary labor service agencies but are exempt from
17 disclosure under subsection (a-1) of Section 45 of the Day
18 and Temporary Labor Services Act.

19 (kk) Information prohibited from disclosure under the
20 Seizure and Forfeiture Reporting Act.

21 (ll) Information the disclosure of which is restricted
22 and exempted under Section 5-30.8 of the Illinois Public
23 Aid Code.

24 (mm) Records that are exempt from disclosure under
25 Section 4.2 of the Crime Victims Compensation Act.

26 (nn) Information that is exempt from disclosure under

1 Section 70 of the Higher Education Student Assistance Act.

2 (oo) Communications, notes, records, and reports
3 arising out of a peer support counseling session
4 prohibited from disclosure under the First Responders
5 Suicide Prevention Act.

6 (pp) Names and all identifying information relating to
7 an employee of an emergency services provider or law
8 enforcement agency under the First Responders Suicide
9 Prevention Act.

10 (qq) Information and records held by the Department of
11 Public Health and its authorized representatives collected
12 under the Reproductive Health Act.

13 (rr) Information that is exempt from disclosure under
14 the Cannabis Regulation and Tax Act.

15 (ss) Data reported by an employer to the Department of
16 Human Rights pursuant to Section 2-108 of the Illinois
17 Human Rights Act.

18 (tt) Recordings made under the Children's Advocacy
19 Center Act, except to the extent authorized under that
20 Act.

21 (uu) Information that is exempt from disclosure under
22 Section 50 of the Sexual Assault Evidence Submission Act.

23 (vv) Information that is exempt from disclosure under
24 subsections (f) and (j) of Section 5-36 of the Illinois
25 Public Aid Code.

26 (ww) Information that is exempt from disclosure under

1 Section 16.8 of the State Treasurer Act.

2 (xx) Information that is exempt from disclosure or
3 information that shall not be made public under the
4 Illinois Insurance Code.

5 (yy) Information prohibited from being disclosed under
6 the Illinois Educational Labor Relations Act.

7 (zz) Information prohibited from being disclosed under
8 the Illinois Public Labor Relations Act.

9 (aaa) Information prohibited from being disclosed
10 under Section 1-167 of the Illinois Pension Code.

11 (bbb) Information that is prohibited from disclosure
12 by the Illinois Police Training Act and the Illinois State
13 Police Act.

14 (ccc) Records exempt from disclosure under Section
15 2605-304 of the Illinois State Police Law of the Civil
16 Administrative Code of Illinois.

17 (ddd) Information prohibited from being disclosed
18 under Section 35 of the Address Confidentiality for
19 Victims of Domestic Violence, Sexual Assault, Human
20 Trafficking, or Stalking Act.

21 (eee) Information prohibited from being disclosed
22 under subsection (b) of Section 75 of the Domestic
23 Violence Fatality Review Act.

24 (fff) Images from cameras under the Expressway Camera
25 Act. This subsection (fff) is inoperative on and after
26 July 1, 2023.

1 (ggg) Information prohibited from disclosure under
2 paragraph (3) of subsection (a) of Section 14 of the Nurse
3 Agency Licensing Act.

4 (hhh) Information submitted to the Department of State
5 Police in an affidavit or application for an assault
6 weapon endorsement, assault weapon attachment endorsement,
7 .50 caliber rifle endorsement, or .50 caliber cartridge
8 endorsement under the Firearm Owners Identification Card
9 Act.

10 (iii) ALPR system data or historical ALPR system data
11 under the Automated License Plate Recognition System Data
12 Act.

13 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
14 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
15 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
16 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
17 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
18 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
19 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
20 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
21 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)