



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1587

Introduced 2/13/2013, by Sen. Daniel Biss

SYNOPSIS AS INTRODUCED:

New Act

Creates the Freedom from Drone Surveillance Act. Provides that a law enforcement agency may not use a drone to gather information. Permits the use of a drone by a law enforcement agency: (1) to counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is that risk; (2) if a law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone; or (3) if a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence. Provides that a law enforcement agency may not own or use a drone that is equipped with any kind of lethal or non-lethal weapon. Provides that information obtained or collected in violation of the Act is not admissible as evidence in any criminal, civil, administrative, or other proceeding. Establishes certain information retention and reporting requirements concerning drone ownership and use.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning criminal law.

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 Freedom from Drone Surveillance Act.

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

7 "Authority" means the Illinois Criminal Justice
8 Information Authority.

9 "Drone" means any aerial vehicle that does not carry a
10 human operator.

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

13 "Law enforcement agency" means any agency of this State or
14 a political subdivision of this State which is vested by law
15 with the duty to maintain public order and to enforce criminal
16 laws.

17 Section 10. Prohibited use of drones. Except as provided
18 in Section 15, a law enforcement agency may not use a drone to
19 gather information.

20 Section 15. Exceptions. This Act does not prohibit the use
21 of a drone by a law enforcement agency:

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

5 (2) If a law enforcement agency first obtains a search
6 warrant signed by a judge authorizing the use of a drone. The
7 warrant must be based on probable cause of criminal activity
8 supported by a sworn written submission of facts from a law
9 enforcement agency. The warrant must be limited to a particular
10 person or location, and limited to a particular investigation.
11 The warrant must be limited to a period of 45 days, renewable
12 by the judge upon a showing of good cause for subsequent
13 periods of 45 days. Within 10 days after the warrant expires,
14 the law enforcement agency must serve a copy of the drone
15 warrant on the person subject to drone surveillance, except
16 that a judge may delay notice upon the law enforcement agency's
17 showing of reason to believe that the notice would jeopardize
18 an ongoing investigation.

19 (3) If a law enforcement agency possesses reasonable
20 suspicion that, under particular circumstances, swift action
21 is needed to prevent imminent harm to life or serious damage to
22 property, or to forestall the imminent escape of a suspect or
23 the destruction of evidence. The use of a drone under this
24 paragraph (3) is limited to a period of 48 hours. Within 24
25 hours of the initiation of the use of a drone under this
26 paragraph (3), the chief executive officer of the law

1 enforcement agency must report in writing the use of a drone to
2 the Illinois Attorney General and to the local State's
3 Attorney.

4 Section 20. Information retention. If a law enforcement
5 agency uses a drone under Section 15 of this Act, the agency
6 within 24 hours shall destroy all information gathered by the
7 drone, except that a supervisor at that agency may retain
8 particular information if (1) there is reasonable suspicion
9 that the information contains evidence of criminal activity, or
10 (2) the information is relevant to an ongoing investigation or
11 pending criminal trial.

12 Section 25. Suppression. Information obtained or collected
13 in violation of this Act is not admissible as evidence in any
14 criminal, civil, administrative, or other proceeding.

15 Section 30. Weapon prohibition. A law enforcement agency
16 may not own or use a drone that is equipped with any kind of
17 lethal or non-lethal weapon.

18 Section 35. Reporting.

19 (a) If a law enforcement agency owns one or more drones,
20 then subsequent to the effective date of this Act, it shall
21 report in writing annually by April 1 to the Authority the
22 number of drones that it owns.

1 (b) If during any calendar year a law enforcement agency
2 uses a drone, then on the following April 1 it shall report in
3 writing to the Authority the number of times that it used a
4 drone.

5 (c) On July 1 of each year, the Authority shall publish on
6 its publicly available website a concise report that lists:

7 (1) every law enforcement agency that owns a drone, and
8 for each of those agencies, the number of drones that it
9 owns; and

10 (2) every law enforcement agency that used a drone in
11 the prior calendar year, and for each of those agencies,
12 the number of times that it used a drone.