

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****SB0880**

Introduced 2/7/2017, by Sen. Antonio Muñoz

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. 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. Prohibits admission of data in a court or administrative proceeding which is used in violation of this Act. Prohibits less restrictive local regulation, including 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.

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HOME RULE NOTE
ACT MAY APPLY**A BILL FOR**

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. For the purpose of 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 (GPS)
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 images
16 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 preceding,

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

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

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

10 Section 10. ALPR system data and historical ALPR system
11 data protections.

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

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

22 (c) ALPR system data and historical ALPR system data are
23 not subject to disclosure under the Freedom of Information Act.

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

1 (1) used for electronic toll collection and
2 enforcement;

3 (2) used in government buildings and other locations
4 for security purposes or controlling access to a secured
5 area;

6 (3) used for private sector activities; and

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

9 Section 15. Use and privacy policy. Any law enforcement
10 agency that uses automated license plate recognition systems
11 shall:

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

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

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

19 (4) adopt and periodically update a comprehensive
20 training program for agency employees who use or have
21 access to ALPR system data and historical ALPR system data,
22 which fully trains the employees on safeguards in use of
23 ALPR system data or historical ALPR system data and
24 procedures to adhere to policies and procedures governing
25 use of ALPR system data or historical ALPR system data.

1 Section 20. Admissibility.

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

17 Section 25. Home rule and other local regulation. Any home
18 rule unit of local government, any non-home rule municipality,
19 or any non-home rule county within the unincorporated territory
20 of the county may regulate law enforcement agency owned
21 automated license plate recognition systems and the use of ALPR
22 system data collected by law enforcement and historical ALPR
23 system data collected by law enforcement, but that regulation
24 must be no less restrictive than this Act. This Section is a

1 limitation on the concurrent exercise of home rule power under
2 subsection (i) of Section 6 of Article VII of the Illinois
3 Constitution.

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

6 (5 ILCS 140/7.5)

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

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating
24 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

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

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

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

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by wireless
24 carriers under the Wireless Emergency Telephone Safety
25 Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

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

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Records Review Act.

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

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

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Portability and
20 Accountability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under Brian's Law.

25 (v) Names and information of people who have applied
26 for or received Firearm Owner's Identification Cards under

1 the Firearm Owners Identification Card Act or applied for
2 or received a concealed carry license under the Firearm
3 Concealed Carry Act, unless otherwise authorized by the
4 Firearm Concealed Carry Act; and databases under the
5 Firearm Concealed Carry Act, records of the Concealed Carry
6 Licensing Review Board under the Firearm Concealed Carry
7 Act, and law enforcement agency objections under the
8 Firearm Concealed Carry Act.

9 (w) Personally identifiable information which is
10 exempted from disclosure under subsection (g) of Section
11 19.1 of the Toll Highway Act.

12 (x) Information which is exempted from disclosure
13 under Section 5-1014.3 of the Counties Code or Section
14 8-11-21 of the Illinois Municipal Code.

15 (y) Confidential information under the Adult
16 Protective Services Act and its predecessor enabling
17 statute, the Elder Abuse and Neglect Act, including
18 information about the identity and administrative finding
19 against any caregiver of a verified and substantiated
20 decision of abuse, neglect, or financial exploitation of an
21 eligible adult maintained in the Registry established
22 under Section 7.5 of the Adult Protective Services Act.

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

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

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

5 (cc) Recordings made under the Law Enforcement
6 Officer-Worn Body Camera Act, except to the extent
7 authorized under that Act.

8 (dd) Information that is prohibited from being
9 disclosed under Section 45 of the Condominium and Common
10 Interest Community Ombudsperson Act.

11 (ee) ~~(dd)~~ Information that is exempted from disclosure
12 under Section 30.1 of the Pharmacy Practice Act.

13 (ff) ALPR system data or historical ALPR system data
14 under the Automated License Plate Recognition System Data
15 Act.

16 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
17 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
18 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
19 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
20 8-19-16; revised 9-1-16.)