



Sen. Daniel Biss

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09800SB2937sam001

LRB098 17872 MRW 56234 a

1 AMENDMENT TO SENATE BILL 2937

2 AMENDMENT NO. _____. Amend Senate Bill 2937 as follows:

3 on page 1, line 5, by replacing "amended" with "amended by
4 changing Section 15 and"; and

5 on page 1, by inserting immediately below line 5 the following:

6 "(725 ILCS 167/15)

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

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

13 (2) If a law enforcement agency first obtains a search
14 warrant based on probable cause issued under Section 108-3
15 of the Code of Criminal Procedure of 1963. The warrant must

1 be limited to a period of 45 days, renewable by the judge
2 upon a showing of good cause for subsequent periods of 45
3 days.

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

14 (4) If a law enforcement agency is attempting to locate
15 a missing person, and is not also undertaking a criminal
16 investigation.

17 (5) If a law enforcement agency is using a drone solely
18 for crime scene and traffic crash scene photography. Crime
19 scene and traffic crash photography must be conducted in a
20 geographically confined and time-limited manner to
21 document specific occurrences. The use of a drone under
22 this paragraph (5) on private property requires either a
23 search warrant based on probable cause under Section 108-3
24 of the Code of Criminal Procedure of 1963 or lawful consent
25 to search. The use of a drone under this paragraph (5) on
26 lands, highways, roadways, or areas belonging to this State

1 or political subdivisions of this State does not require a
2 search warrant or consent to search. Any law enforcement
3 agency operating a drone under this paragraph (5) shall
4 make every reasonable attempt to only photograph the crime
5 scene or traffic crash scene and avoid other areas.

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

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