



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5275

Introduced 2/10/2026, by Rep. Angelica Guerrero-Cuellar

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Drone Safety and Interference Prevention Act. Creates the offenses of (1) unlawful imaging of an emergency response activity; (2) unlawful operation over critical infrastructure facilities; and (3) unlawful operation of a drone over a correctional institution or facility. Defines these offenses and establishes penalties. Provides that a private person or entity operating a drone in the State is prohibited from equipping or using on the drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon. Provides that a law enforcement officer may seize a drone and any attached equipment, including any image-capturing devices, storage media, or weapons, if the officer has probable cause to believe the drone was used or operated in violation of the Act. Provides that any drone or equipment seized under the Act is subject to forfeiture in accordance with the Criminal Code of 2012 and the Forfeiture Article of the Code of Criminal Procedure of 1963, as applicable. Provides that the State may use forfeited drones and equipment for law enforcement purposes, including training and counter-drone operations. Provides that prior to forfeiture, the court shall provide notice and an opportunity for hearing to the owner or operator of the drone, unless the drone was abandoned or unclaimed. Provides that, if the court determines, by a preponderance of the evidence, that the drone was used in violation of the Act, the drone shall be forfeited to the State. Provides that any images or data seized under the provision shall be retained only if there is a reasonable suspicion they contain evidence of a crime. Provides that all other data must be deleted within 30 days unless relevant to an ongoing investigation. Provides that the State, any unit of local government, any law enforcement agency or any officers or agents of those entities that are acting reasonably and in good faith to enforce the Act are not civilly liable for damage to or loss of a drone, except for willful or wanton misconduct. Provides that the Act shall be enforced by State and local law enforcement agencies. Provides that enforcement data under the Act shall be reported through the Illinois State Police's existing Uniform Crime Reporting program. Contains a severability provision. Effective January 1, 2027.

LRB104 19739 RLC 33189 b

A BILL FOR

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 1. Short title. This Act may be cited as the Drone  
5 Safety and Interference Prevention Act.

6 Section 5. Findings and purpose. The General Assembly  
7 finds that unlawful drone operations threaten public safety,  
8 critical infrastructure, correctional facilities, and  
9 emergency response, and that existing federal regulation does  
10 not adequately address State criminal interests. This Act  
11 supplements federal authority through traditional police  
12 powers while safeguarding individual privacy and  
13 constitutional rights.

14 Section 10. Definitions. In this Act:

15 "Contraband" means an "item of contraband" as defined in  
16 Section 31A-0.1 of the Criminal Code of 2012.

17 "Correctional institution or facility" has the meaning  
18 ascribed to it in Section 3-1-2 of the Unified Code of  
19 Corrections.

20 "Critical infrastructure facility" means any one or more  
21 of the following facilities:

22 (1) a petroleum or alumina refinery;

1           (2) an electrical power generating facility,  
2           substation, switching station, electrical control center,  
3           or electric power lines and associated equipment  
4           infrastructure;

5           (3) a chemical, polymer, or rubber manufacturing  
6           facility;

7           (4) a water intake structure, water treatment  
8           facility, wastewater treatment plant, or pump station;

9           (5) a natural gas compressor station;

10          (6) a liquid natural gas terminal or storage facility;

11          (7) wireline and wireless communications  
12          infrastructure;

13          (8) a port, railroad switching yard, trucking  
14          terminal, or other freight transportation facility;

15          (9) a gas processing plant, including a plant used in  
16          the processing, treatment, or fractionation of natural gas  
17          or natural gas liquids;

18          (10) a transmission facility used by a federally  
19          licensed radio or television station;

20          (11) a steelmaking facility that uses an electric arc  
21          furnace to make steel;

22          (12) a facility identified and regulated by the United  
23          States Department of Homeland Security Chemical Facility  
24          Anti-Terrorism Standards (CFATS) program;

25          (13) a dam that is regulated by the State or federal  
26          government;

1           (14) a natural gas distribution utility facility,  
2 including, but not limited to, pipeline interconnections,  
3 a city gate or town border station, metering station,  
4 below-ground or aboveground pipeline or piping and  
5 truck-loading or offloading facility, a natural gas  
6 storage facility, a natural gas transmission facility, or  
7 a natural gas utility distribution facility;

8           (15) a crude oil or refined products storage and  
9 distribution facility, including, but not limited to, a  
10 valve site, pipeline interconnection, pump station,  
11 metering station, below-ground or aboveground pipeline or  
12 piping, and truck-loading or offloading facility;

13           (16) a military facility, including a national guard  
14 facility and equipment storage area where non-military  
15 personnel are prohibited;

16           (17) a Department of Transportation facility and a  
17 location near or on a road or highway where the public is  
18 prohibited;

19           (18) a health care facility;

20           (19) any aboveground portion of an oil, gas, hazardous  
21 liquid or chemical pipeline, tank, or other storage  
22 facility that is enclosed by a fence, other physical  
23 barrier, or is clearly marked with signs prohibiting  
24 trespassing, that are obviously designed to exclude  
25 intruders; or

26           (20) a commercial service airport as defined by the

1 Federal Aviation Administration.

2 "Drone" means any aerial vehicle that does not carry a  
3 human operator.

4 "Emergency response activity" means any activity  
5 undertaken by a law enforcement agency, fire department,  
6 emergency medical services provider, emergency management  
7 agency, or other governmental agency in response to an  
8 incident, accident, fire, emergency, disaster, or search and  
9 rescue operation.

10 "Firearm", "laser", "kinetic impact projectile", "chemical  
11 agent or irritant", "lethal weapon", "bodily harm", "great  
12 bodily harm", and "non-lethal weapon" have the meanings  
13 ascribed to them in the Criminal Code of 2012.

14 "Operator" means a person who controls, directs, or causes  
15 the operation of a drone, whether directly or through  
16 autonomous or programmed means.

17 "Part 107 operational waiver" means a waiver or  
18 authorization issued by the Federal Aviation Administration  
19 under 14 CFR Part 107 permitting deviation from one or more  
20 provisions of the Small Unmanned Aircraft Systems rule.

21 "Private person or entity" means any individual,  
22 corporation, partnership, limited liability company, or other  
23 business entity or any association, society, or organization.

24 "Person" does not include any governmental agency, law  
25 enforcement agency, fire department, emergency medical  
26 services provider, emergency management agency, or other unit

1 of government.

2 Section 15. Unlawful imaging of emergency response  
3 activity.

4 (a) A person commits unlawful imaging of an emergency  
5 response activity when the person knowingly uses a drone to:

6 (1) knowingly capture, record, transmit, or stream any  
7 still image, video, or other visual depiction of an  
8 emergency response activity:

9 (A) while the drone is operating at an altitude of  
10 less than 400 feet above ground level; and

11 (B) within a lateral distance of 1,000 feet of the  
12 location at which the emergency response activity is  
13 occurring, as reasonably identifiable from the air by  
14 the presence of emergency vehicles, personnel,  
15 equipment, or marked emergency perimeters.

16 (2) knowingly use, disclose, publish, or otherwise  
17 share any image or visual depiction that the person knows  
18 or reasonably should know was obtained in violation of  
19 paragraph (1) of this subsection (a).

20 (b) Nothing in this Section shall be construed to regulate  
21 or prohibit the mere operation or flight path of a drone in the  
22 national airspace system. The offense under this Section is  
23 limited to the knowing collection, transmission, use, or  
24 disclosure of images as described in subsection (a).

25 (c) A person who violates this Section commits a Class A

1 misdemeanor. Each separate flight or operation during which  
2 one or more images are captured, transmitted, used, or  
3 disclosed in violation of subsection (a) shall constitute a  
4 separate offense.

5 (d) This Section does not apply to:

6 (1) the capture, transmission, use, or disclosure of  
7 images by or under the direction of a law enforcement  
8 agency, fire department, emergency management agency, or  
9 other governmental agency acting within the scope of its  
10 official duties and in compliance with applicable federal  
11 law, including any Certificate of Authorization or Part  
12 107 operational waiver issued by the Federal Aviation  
13 Administration;

14 (2) the capture, transmission, use, or disclosure of  
15 images that is expressly authorized for a particular  
16 emergency response activity by the incident commander or  
17 by the governmental agency in charge of the emergency  
18 response;

19 (3) the capture, transmission, use, or disclosure of  
20 images conducted pursuant to, and in material compliance  
21 with, a valid Part 107 operational waiver or other written  
22 authorization issued by the Federal Aviation  
23 Administration, provided that such activity does not  
24 otherwise interfere with or impede emergency response  
25 activity; or

26 (4) the capture of images of any political protest,

1 march, demonstration, rally, or other assembly protected  
2 by the First Amendment of the United States Constitution  
3 or Section 4 of Article I of the Illinois Constitution.

4 Section 20. Private use; weapons prohibition.

5 (a) A private person or entity operating a drone in this  
6 State is prohibited from equipping or using on the drone any  
7 firearm, weaponized laser, kinetic impact projectile, chemical  
8 agent or irritant, or any other lethal or non-lethal weapon.

9 (b)(1) Except as otherwise provided in paragraphs (2)  
10 through (4) of this subsection (b), a person who violates  
11 subsection (a) commits a Class A misdemeanor.

12 (2) A person who violates subsection (a) and causes bodily  
13 harm to another person commits a Class 4 felony.

14 (3) A person who violates subsection (a) and causes great  
15 bodily harm to another person commits a Class 3 felony.

16 (4) A person who violates subsection (a) and causes the  
17 death of another person commits a Class 1 felony.

18 (c) Construction. Nothing in this Section shall be  
19 construed to:

20 (1) preempt or limit the authority of the Federal  
21 Aviation Administration over the navigable airspace of the  
22 United States; or

23 (2) authorize any operation or equipping of a drone  
24 contrary to federal law or regulation.

1           Section 25. Operation over critical infrastructure  
2 facilities.

3           (a) A person commits unlawful operation over critical  
4 infrastructure facilities when the person intentionally or  
5 knowingly operates a drone to:

6                 (1) operate over a critical infrastructure facility at  
7 an altitude of less than 400 feet above ground level and  
8 within a horizontal distance of 250 feet; or

9                 (2) make contact with a critical infrastructure  
10 facility, including any person or object on the premises  
11 of or within the facility.

12           (b) For purposes of this Section, horizontal distance  
13 shall extend outward from the furthest exterior building  
14 walls, perimeter fences, permanent fixed perimeter, or another  
15 boundary clearly marked with posted notices of the critical  
16 infrastructure facility. Posted notices shall be conspicuously  
17 posted not more than 100 yards apart along a marked boundary  
18 and shall comply with guidelines issued by the Illinois  
19 Department of Transportation, Division of Aeronautics.

20           (c) Nothing in this Section shall be construed to regulate  
21 or prohibit the mere operation or flight path of a drone in the  
22 national airspace system. The offense under this Section is  
23 limited to the intentional or knowing conduct described in  
24 subsection (a).

25           (d) A person who violates this Section commits a Class A  
26 misdemeanor. Each separate flight or operation in violation of

1 subsection (a) shall constitute a separate offense.

2 (e) This Section does not apply to:

3 (1) the federal government;

4 (2) the State of Illinois or any public body;

5 (3) a law enforcement agency;

6 (4) a person under contract with or otherwise acting  
7 under the direction or on behalf of the federal  
8 government, the State of Illinois, a public body, or a law  
9 enforcement agency;

10 (5) an owner or operator of the critical  
11 infrastructure facility;

12 (6) a person who has the prior written consent of the  
13 owner or operator of the critical infrastructure facility;

14 (7) the owner or occupant of the property on which the  
15 critical infrastructure facility is located;

16 (8) a person who has the prior written consent of the  
17 owner or occupant of the property on which the critical  
18 infrastructure facility is located; or

19 (9) the capture, transmission, use, or disclosure of  
20 images conducted pursuant to, and in material compliance  
21 with, a valid Part 107 operational waiver or other written  
22 authorization issued by the Federal Aviation  
23 Administration.

24 Section 30. Operation over correctional institution or  
25 facility; contraband delivery prohibition.

1           (a) A person commits unlawful operation of a drone over a  
2           correctional institution or facility when the person knowingly  
3           and intentionally operates a drone to:

4                   (1) fly over a correctional institution or facility at  
5                   an altitude of less than 400 feet above ground level and  
6                   within a horizontal distance of 250 feet;

7                   (2) make contact with a correctional institution or  
8                   facility, including any person or object on the premises  
9                   of or within the facility; or

10                  (3) deliver, or attempt to deliver, contraband to a  
11                  correctional institution or facility.

12           (b) For purposes of this Section, horizontal distance  
13           shall extend outward from the furthest exterior building  
14           walls, perimeter fences, permanent fixed perimeter, or another  
15           boundary clearly marked with posted notices of the  
16           correctional or detention facility. Posted notices shall be  
17           conspicuously posted not more than 100 yards apart along a  
18           marked boundary and shall comply with guidelines issued by the  
19           Illinois Department of Transportation, Division of  
20           Aeronautics.

21           (c) Nothing in this Section shall be construed to regulate  
22           or prohibit the mere operation or flight path of a drone in the  
23           national airspace system. The offense under this Section is  
24           limited to the intentional or knowing conduct described in  
25           subsection (a).

26           (d) (1) Except as otherwise provided in paragraphs (2) and

1 (3) of this subsection (d), a violation of paragraph (1) or (2)  
2 of subsection (a) is a Class A misdemeanor. A violation of  
3 paragraph (3) of subsection (a) is a Class 2 felony.

4 (2) A violation of paragraph (3) of subsection (a) is a  
5 Class 1 felony if the contraband is:

6 (A) a firearm, firearm ammunition, or a controlled  
7 substance, as defined in the Illinois Controlled  
8 Substances Act; or

9 (B) the offense is committed by a person employed by  
10 the correctional institution or facility.

11 (3) A violation of paragraph (3) of subsection (a) is a  
12 Class X felony if the contraband is Category I contraband,  
13 including a firearm, explosive, acid, or any item that may  
14 cause death or great bodily harm.

15 (e) In addition to other penalties provided by law for  
16 commission of a felony under subsection (a)(3), a sentence  
17 imposed under this Section shall include a fine of not less  
18 than \$1,500.

19 (f) Each separate flight or operation in violation of  
20 subsection (a) shall constitute a separate offense.

21 (g) This Section does not apply to:

22 (1) a person employed by a correctional or detention  
23 facility who operates the drone within the scope of the  
24 person's employment; or

25 (2) a person who receives prior written permission  
26 from the authority operating the correctional institution

1 or facility to operate the drone over the facility.

2 Section 35. Seizure of drones.

3 (a) A law enforcement officer may seize a drone and any  
4 attached equipment, including any image-capturing devices,  
5 storage media, or weapons, if the officer has probable cause  
6 to believe the drone was used or operated in violation of this  
7 Act.

8 (b) Any drone or equipment seized under subsection (a) is  
9 subject to forfeiture in accordance with Section 36-1 of the  
10 Criminal Code of 2012 and Article 124B of the Code of Criminal  
11 Procedure of 1963, as applicable. The State may use forfeited  
12 drones and equipment for law enforcement purposes, including  
13 training and counter-drone operations.

14 (c) Prior to forfeiture, the court shall provide notice  
15 and an opportunity for hearing to the owner or operator of the  
16 drone, unless the drone was abandoned or unclaimed. If the  
17 court determines by a preponderance of the evidence that the  
18 drone was used in violation of this Act, the drone shall be  
19 forfeited to the State.

20 (d) Any images or data seized under this Section shall be  
21 retained only if there is reasonable suspicion they contain  
22 evidence of a crime. All other data must be deleted within 30  
23 days unless relevant to an ongoing investigation.

24 Section 40. Civil immunity. The State, any unit of local

1 government, law enforcement agency, or its officers or agents  
2 acting reasonably and in good faith to enforce this Act are not  
3 civilly liable for damage to or loss of a drone, except for  
4 willful or wanton misconduct.

5 Section 45. Enforcement. This Act shall be enforced by  
6 State and local law enforcement agencies.

7 Section 50. Construction. Nothing in this Act shall be  
8 construed to:

9 (1) preempt or limit the authority of the Federal  
10 Aviation Administration over the navigable airspace of the  
11 United States;

12 (2) authorize any operation or use of a drone in a  
13 manner contrary to federal law or regulation; or

14 (3) limit or repeal the Freedom from Drone  
15 Surveillance Act, the Illinois Aeronautics Act, or any  
16 other drone-related or unmanned aircraft provision of the  
17 Criminal Code of 2012, the Code of Criminal Procedure of  
18 1963, or the Wildlife Code.

19 Section 55. Fines deposited into State Police Enforcement  
20 Fund. All fines and civil penalties collected under this Act  
21 shall be deposited into the State Police Enforcement Fund.  
22 Moneys deposited into the Fund under this Act shall be used by  
23 the Illinois State Police for grants to law enforcement

1 agencies for drone system detection and countermeasures,  
2 public safety enforcement, counter-drone equipment and  
3 training at correctional or detention facilities, and critical  
4 infrastructure, and related public safety initiatives.

5 Section 60. Rulemaking authority. The Illinois State  
6 Police, in consultation with the Illinois Department of  
7 Transportation, Division of Aeronautics, may adopt rules as  
8 necessary to implement and enforce this Act, including  
9 standards for drone detection equipment, signage  
10 specifications, training requirements for counter-drone  
11 operations, and procedures for coordination with federal  
12 aviation authorities.

13 Section 65. Annual reporting. Enforcement data under this  
14 Act shall be reported through the Illinois State Police's  
15 existing Uniform Crime Reporting (UCR) program.

16 Section 97. Severability. The provisions of this Act are  
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect January  
19 1, 2027.