



Sen. Patricia Van Pelt

**Filed: 5/29/2018**

10000HB4339sam001

LRB100 16762 SLF 41059 a

1 AMENDMENT TO HOUSE BILL 4339

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4339 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Law  
5 Enforcement Gang Database Information Act.

6 Section 5. Definitions. In this Act:

7 "Gang" has the same meaning ascribed to the term in Section  
8 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

9 "Gang database" means any database, or data maintained in  
10 multiple databases accessed by a law enforcement agency that  
11 designates a person as an associate or alleged member of a  
12 gang, streetgang, or organization defined in Section 10 of the  
13 Illinois Streetgang Terrorism Omnibus Prevention Act, or  
14 includes or points to information, including, but not limited  
15 to, fact-based or uncorroborated information, that reflects a  
16 designation of that person as a gang member.

1 "Gang member" has the same meaning ascribed to the term in  
2 Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

4 "Law enforcement agency" means an agency of this State or  
5 unit of local government who is primarily responsible for the  
6 detection, investigation, or prevention of crime and the  
7 enforcement of the criminal laws of this State.

8 "Shared gang database" means a gang database that is  
9 accessed by an agency or person outside of the agency that  
10 created the records that populate the database.

11 Section 10. Requirements for use of gang databases and  
12 shared gang databases. Each law enforcement agency who  
13 maintains a gang database or has access to a shared gang  
14 database shall have a policy regarding those databases. Each  
15 policy shall be implemented on or before July 1, 2019, except  
16 the requirements in paragraph (1) of this Section shall be  
17 implemented as soon as practicable after the effective date of  
18 this Act. The policy shall include, but not be limited to:

19 (1) that personnel authorized to access a gang database or  
20 shared gang database are limited to sworn law enforcement  
21 personnel, non-sworn law enforcement support personnel,  
22 criminal justice entities, or non-criminal justice technical  
23 or maintenance personnel, including information technology and  
24 information security staff and contract employees, who have  
25 been subject to character or security clearance and who have

1 received approved training;

2 (2) any records contained in a gang database or shared gang  
3 database shall not be disclosed, including, but not limited to,  
4 for the following purposes: employment, education, licensing,  
5 or housing, except that law enforcement and criminal justice  
6 entities may use information contained in a gang database or  
7 shared gang database for employment purposes, and records  
8 contained in a gang database or shared gang database may be  
9 disclosed to comply with federal law, for national security or  
10 homeland security purposes, for military screening purposes,  
11 or for other appropriate law enforcement purpose;

12 (3) security procedures; and

13 (4) the review and purge process from gang databases and  
14 shared gang databases.

15 Section 105. The Code of Criminal Procedure of 1963 is  
16 amended by adding Section 115-10.5a as follows:

17 (725 ILCS 5/115-10.5a new)

18 Sec. 115-10.5a. Admissibility of evidence concerning gang  
19 databases.

20 (a) In this Section, "gang database", "gang member", and  
21 "shared gang database" have the same meanings ascribed to those  
22 terms as in Section 5 of the Law Enforcement Gang Database  
23 Information Act.

24 (b) In all criminal cases, evidence which indicates the

1 mere presence that the person was or is on a gang database or a  
2 shared gang database is not admissible.

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.".