

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 5. The Freedom from Drone Surveillance Act is
5 amended by changing Section 15 and 35 as follows:

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
16 be limited to a period of 45 days, renewable by the judge
17 upon a showing of good cause for subsequent periods of 45
18 days.

19 (3) If a law enforcement agency possesses reasonable
20 suspicion that, under particular circumstances, swift
21 action is needed to prevent imminent harm to life, or to
22 forestall the imminent escape of a suspect or the
23 destruction of evidence. The use of a drone under this

1 paragraph (3) is limited to a period of 48 hours. Within 24
2 hours of the initiation of the use of a drone under this
3 paragraph (3), the chief executive officer of the law
4 enforcement agency must report in writing the use of a
5 drone to the local State's Attorney.

6 (4) If a law enforcement agency is attempting to locate
7 a missing person, and is not also undertaking a criminal
8 investigation.

9 (5) If a law enforcement agency is using a drone solely
10 for crime scene and traffic crash scene photography. Crime
11 scene and traffic crash photography must be conducted in a
12 geographically confined and time-limited manner to
13 document specific occurrences. The use of a drone under
14 this paragraph (5) on private property requires either a
15 search warrant based on probable cause under Section 108-3
16 of the Code of Criminal Procedure of 1963 or lawful consent
17 to search. The use of a drone under this paragraph (5) on
18 lands, highways, roadways, or areas belonging to this State
19 or political subdivisions of this State does not require a
20 search warrant or consent to search. Any law enforcement
21 agency operating a drone under this paragraph (5) shall
22 make every reasonable attempt to only photograph the crime
23 scene or traffic crash scene and avoid other areas.

24 (6) If a law enforcement agency is using a drone during
25 a disaster or public health emergency, as defined by
26 Section 4 of the Illinois Emergency Management Agency Act.

1 The use of a drone under this paragraph (6) does not
2 require an official declaration of a disaster or public
3 health emergency prior to use. A law enforcement agency may
4 use a drone under this paragraph (6) to obtain information
5 necessary for the determination of whether or not a
6 disaster or public health emergency should be declared, to
7 monitor weather or emergency conditions, to survey damage,
8 or to otherwise coordinate response and recovery efforts.
9 The use of a drone under this paragraph (6) is permissible
10 during the disaster or public health emergency and during
11 subsequent response and recovery efforts.

12 (7) If a law enforcement agency is using a drone to
13 prepare for or monitor safety and security at a large-scale
14 event, if drone usage is limited to legitimate public
15 safety purposes, including, but not limited to, evaluating
16 crowd size, density, or movement; assessing public safety
17 vulnerabilities or weaknesses; determining appropriate
18 staffing levels for law enforcement or other public safety
19 personnel; or identifying possible criminal activity. In
20 this paragraph (7), "large-scale event" means a publicly or
21 privately held event reasonably estimated, at the
22 inception of the event, to be attended by more than 100
23 persons at a sports or entertainment arena, stadium,
24 convention hall, special event center, amusement facility,
25 a special event area licensed or permitted for use under
26 the authority of a unit of local government, or an event

1 open to the public that takes place on a public way or
2 government-owned property. A law enforcement agency that
3 uses a drone under this paragraph (7) shall not equip the
4 drone with tear gas canisters, stun gun technology, or any
5 other dangerous or deadly weapon or fire a projectile from
6 a drone. In this paragraph (7), "dangerous or deadly
7 weapon" means any firearm, or other weapon, device,
8 instrument, material, or substance, whether animate or
9 inanimate, which in the manner it is used or is intended to
10 be used is known to be capable of producing death or
11 serious bodily injury.

12 (Source: P.A. 98-569, eff. 1-1-14; 98-831, eff. 1-1-15.)

13 (725 ILCS 167/35)

14 Sec. 35. Reporting.

15 (a) If a law enforcement agency owns one or more drones,
16 then subsequent to the effective date of this Act, it shall
17 report in writing annually by April 1 to the Authority the
18 following:

19 (1) the number of drones that the law enforcement
20 agency ~~it~~ owns; and

21 (2) the number of times in the previous year that the
22 law enforcement agency has deployed a drone under each of
23 the exceptions under Section 15 of this Act, including the
24 exception used, the date of the deployment, and location of
25 the deployment.

1 (b) On July 1 of each year, the Authority shall publish on
2 its publicly available website a concise report that lists
3 every law enforcement agency that owns a drone, and for each of
4 those agencies, the number of drones that it owns.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.