



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3026

Introduced 2/19/2021, by Rep. Keith R. Wheeler

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 100/5-20

from Ch. 127, par. 1005-20

Creates the Surveillance Administrative Law Act. Prohibits the placement of electronic monitoring devices without explicit statutory action by the State of Illinois setting forth the need for the placement of an electronic monitoring device. Amends the Illinois Administrative Procedure Act. Provides that any discretionary power exercised by an agency under the Act shall be exercised in conformity with the Surveillance Administrative Law Act. Defines terms. Provides legislative intent. Effective immediately.

LRB102 09895 RJF 15213 b

1 AN ACT concerning government.

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 Surveillance Administrative Law Act.

6 Section 5. Legislative intent. The General Assembly  
7 asserts that the legislative purpose of this statutory action,  
8 and creation of this Act, is to maintain the State's adherence  
9 to Section 6 of Article I of the Illinois Constitution,  
10 especially the pledge made by the people of Illinois to  
11 themselves that, under this Constitution, "the people shall  
12 have the right to be secure in their persons, houses, papers  
13 and other possessions against unreasonable searches, seizures,  
14 invasions of privacy or interceptions of communications by  
15 eavesdropping devices or other means". The General Assembly  
16 asserts that the protections enumerated in that Section  
17 include protection of the public against visual eavesdropping  
18 by means of electronic surveillance, including: (i)  
19 surveillance monitored by human observers; (ii) surveillance  
20 carried out by artificial-intelligence software; and (iii)  
21 surveillance carried out by combinations of  
22 artificial-intelligence software and human monitoring.

1 Section 10. Definitions. As used in this Act:

2 "Electronic monitoring device" means a surveillance  
3 instrument with a fixed position video camera or an audio  
4 recording device, or a combination thereof.

5 "Place of public accommodation" means a place of lodging,  
6 food or drink, place of exhibition or entertainment, place of  
7 public gathering, retail establishment, service establishment,  
8 public conveyance, place of public transportation, place of  
9 public display or collection, place of recreation, place of  
10 education, social service center establishment, place of  
11 exercise or recreation, or any other place to which this  
12 definition is applicable under subsection (A) of Section 5-101  
13 of the Illinois Human Rights Act.

14 Section 15. Administrative surveillance. No action by any  
15 administrative authority of the State of Illinois or any of  
16 its political subdivisions, including, but not limited to, the  
17 exercise of administrative authority under the Illinois  
18 Administrative Procedure Act, shall: (i) direct the placement  
19 of an electronic monitoring device in or adjacent to a public  
20 way, or in or adjacent to a place of public accommodation; or  
21 (ii) impose an administrative order or administrative burden  
22 upon any third party sufficient to require or to encourage the  
23 placement of an electronic monitoring device in or adjacent to  
24 a public way, or in or adjacent to a place of public  
25 accommodation, without explicit statutory action by the State

1 of Illinois setting forth the need for the placement of an  
2 electronic monitoring device in or adjacent to a public way or  
3 place of public accommodation for a purpose or purposes  
4 enumerated in legislation.

5 Section 90. The Illinois Administrative Procedure Act is  
6 amended by changing Section 5-20 as follows:

7 (5 ILCS 100/5-20) (from Ch. 127, par. 1005-20)

8 Sec. 5-20. Implementing discretionary powers. Each rule  
9 that implements a discretionary power to be exercised by an  
10 agency shall include the standards by which the agency shall  
11 exercise the power. The standards shall be stated as precisely  
12 and clearly as practicable under the conditions to inform  
13 fully those persons affected. Any discretionary power  
14 exercised by an agency under this Act shall be exercised in  
15 conformity with the Surveillance Administrative Law Act.

16 (Source: P.A. 87-823.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.