



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1540

Introduced 2/26/2021, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

Creates the Automated License Plate Recognition System Data Act. Provides that a law enforcement agency may use recorded automated license plate recognition system (ALPR) data and historical ALPR system data only for a legitimate law enforcement purpose. Provides that ALPR system data collected by law enforcement and historical ALPR system data collected by law enforcement may not be used, shared, sold, traded, or exchanged for any other purpose. Requires law enforcement agencies using an automated license plate recognition system to adopt a policy governing use of the system; adopt a privacy policy to ensure that ALPR system data and historical ALPR system data is not used or shared in violation of this Act; adopt audit procedures relating to use of ALPR system data and historical ALPR system data; and adopt and periodically update a comprehensive training program for agency employees who use or have access to ALPR system data and procedures to adhere to policies and procedures governing use of ALPR system data or historical ALPR system data. Provides that a State or local law enforcement agency may retain ALPR system data for 5 years. Provides that after 5 years, the State or local law enforcement agency must create an internal record showing why data older than 5 years was accessed, and attach a case name and number, the name of the officer that accessed the data, the date, and an explanation for why the data was accessed. Prohibits admission of data that is used in violation of the Act in a court or administrative proceeding. Prohibits less restrictive local regulation, including by home rule units. Defines terms. Amends the Freedom of Information Act to exempt ALPR system and historical ALPR system data from disclosure under the Act.

LRB102 13121 RAM 18464 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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 Automated License Plate Recognition System Data Act.

6 Section 5. Definitions. As used in this Act:

7 "ALPR system data" means data packets representing  
8 interpretation by ALPR systems of recorded vehicle license  
9 plates affixed to vehicles in the field of view of ALPR system  
10 cameras, with associated global positioning system  
11 coordinates, and time and date stamps associated with the  
12 recording of the data.

13 "Automated license plate recognition system" or "ALPR  
14 system" means a system of one or more mobile, portable, or  
15 fixed video cameras using computer algorithms to convert  
16 images of license plates into automated computer-recognized  
17 searchable alphanumeric data, including associated servers,  
18 data normalization technologies, and similar technologies.

19 "Historical ALPR system data" means data recorded by ALPR  
20 systems that are stored in an authorized ALPR system platform.

21 "Law enforcement agency" means an agency of this State,  
22 another state within the United States, a unit of local  
23 government, or a political subdivision of any of the

1 preceding, that is vested by law or ordinance with the duty to  
2 maintain public order or to enforce criminal laws and  
3 ordinances.

4 "Legitimate law enforcement purpose" means for the purpose  
5 of the investigation of a criminal offense or violation of a  
6 federal, State, or local law or ordinance by a law enforcement  
7 agency.

8 "Secured area" means an area, enclosed by clear  
9 boundaries, to which access is limited and not open to the  
10 public and entry is obtainable only through specific  
11 access-control points.

12 Section 10. ALPR system data and historical ALPR system  
13 data protections.

14 (a) A law enforcement agency may use recorded ALPR system  
15 data and historical ALPR system data only for a legitimate law  
16 enforcement purpose. ALPR system data collected by law  
17 enforcement and historical ALPR system data collected by law  
18 enforcement may not be used, shared, sold, traded, or  
19 exchanged for any other purpose.

20 (b) ALPR system data and historical ALPR system data shall  
21 be considered and treated by a law enforcement agency as  
22 sensitive data, but the data is not in the same category as  
23 personally identifying information.

24 (c) ALPR system data and historical ALPR system data are  
25 not subject to disclosure under the Freedom of Information

1 Act.

2 (d) This Act does not apply to automated license plate  
3 recognition systems or similar systems:

4 (1) used for electronic toll collection and  
5 enforcement;

6 (2) used in government buildings and other locations  
7 for security purposes or controlling access to a secured  
8 area;

9 (3) used for private sector activities; or

10 (4) used for any purpose for which motor vehicle  
11 registration data may be accessed under 18 U.S.C. 2721.

12 Section 15. Use and privacy policy. Any law enforcement  
13 agency that uses automated license plate recognition systems  
14 shall:

15 (1) adopt a policy governing use of the system;

16 (2) adopt a privacy policy to ensure strict access and  
17 control of the data so that ALPR system data and  
18 historical ALPR system data are not used or shared in  
19 violation of this Act;

20 (3) adopt audit procedures relating to use of ALPR  
21 system data and historical ALPR system data; and

22 (4) adopt and periodically update a comprehensive  
23 training program, for agency employees who use or have  
24 access to ALPR system data and historical ALPR system  
25 data, that fully trains the employees on safeguards in use

1 of ALPR system data or historical ALPR system data and  
2 procedures to adhere to policies and procedures governing  
3 use of ALPR system data or historical ALPR system data.

4 Section 20. ALPR system data retention. A State or local  
5 law enforcement agency may retain ALPR system data for 5  
6 years. After 5 years, the State or local law enforcement  
7 agency must create an internal record showing why data older  
8 than 5 years was accessed, and attach a case name and number,  
9 the name of the officer that accessed the data, the date, and  
10 an explanation for why the data was accessed.

11 Section 25. Admissibility. If a court finds by a  
12 preponderance of the evidence that ALPR system data or  
13 historical ALPR system data was gathered, stored, used, or  
14 disclosed in violation of this Act, then that information  
15 shall be presumed to be inadmissible in any judicial or  
16 administrative proceeding. The party seeking admission of the  
17 ALPR system data or historical ALPR system data may overcome  
18 this presumption by proving the applicability of a judicially  
19 recognized exception to the exclusionary rule of the Fourth  
20 Amendment to the United States Constitution or Section 6 of  
21 Article I of the Illinois Constitution or by a preponderance  
22 of the evidence that the law enforcement agency was acting in  
23 good faith and reasonably believed that one or more of the  
24 exceptions existed at the time that the ALPR system data or

1 historical ALPR system data was gathered, stored, used, or  
2 disclosed.

3 Section 30. Home rule and other local regulation. Any home  
4 rule unit of local government, any non-home rule municipality,  
5 or any non-home rule county within the unincorporated  
6 territory of the county may regulate law enforcement  
7 agency-owned automated license plate recognition systems and  
8 the use of ALPR system data collected by law enforcement and  
9 historical ALPR system data collected by law enforcement, but  
10 that regulation must be no less restrictive than this Act.  
11 This Section is a limitation on the concurrent exercise of  
12 home rule power under subsection (i) of Section 6 of Article  
13 VII of the Illinois Constitution.

14 Section 100. The Freedom of Information Act is amended by  
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions. To the extent provided for  
18 by the statutes referenced below, the following shall be  
19 exempt from inspection and copying:

20 (a) All information determined to be confidential  
21 under Section 4002 of the Technology Advancement and  
22 Development Act.

23 (b) Library circulation and order records identifying

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other  
6 records prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (d) Information and records held by the Department of  
10 Public Health and its authorized representatives relating  
11 to known or suspected cases of sexually transmissible  
12 disease or any information the disclosure of which is  
13 restricted under the Illinois Sexually Transmissible  
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted  
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

3           (i) Information contained in a local emergency energy  
4           plan submitted to a municipality in accordance with a  
5           local emergency energy plan ordinance that is adopted  
6           under Section 11-21.5-5 of the Illinois Municipal Code.

7           (j) Information and data concerning the distribution  
8           of surcharge moneys collected and remitted by carriers  
9           under the Emergency Telephone System Act.

10          (k) Law enforcement officer identification information  
11          or driver identification information compiled by a law  
12          enforcement agency or the Department of Transportation  
13          under Section 11-212 of the Illinois Vehicle Code.

14          (l) Records and information provided to a residential  
15          health care facility resident sexual assault and death  
16          review team or the Executive Council under the Abuse  
17          Prevention Review Team Act.

18          (m) Information provided to the predatory lending  
19          database created pursuant to Article 3 of the Residential  
20          Real Property Disclosure Act, except to the extent  
21          authorized under that Article.

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the  
25          Capital Crimes Litigation Act. This subsection (n) shall  
26          apply until the conclusion of the trial of the case, even



1 if the prosecution chooses not to pursue the death penalty  
2 prior to trial or sentencing.

3 (o) Information that is prohibited from being  
4 disclosed under Section 4 of the Illinois Health and  
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Regional Transportation Authority under Section 2.11 of  
10 the Regional Transportation Authority Act or the St. Clair  
11 County Transit District under the Bi-State Transit Safety  
12 Act.

13 (q) Information prohibited from being disclosed by the  
14 Personnel Record Review Act.

15 (r) Information prohibited from being disclosed by the  
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted  
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information  
20 in the form of health data or medical records contained  
21 in, stored in, submitted to, transferred by, or released  
22 from the Illinois Health Information Exchange, and  
23 identified or deidentified health information in the form  
24 of health data and medical records of the Illinois Health  
25 Information Exchange in the possession of the Illinois  
26 Health Information Exchange Office due to its

1 administration of the Illinois Health Information  
2 Exchange. The terms "identified" and "deidentified" shall  
3 be given the same meaning as in the Health Insurance  
4 Portability and Accountability Act of 1996, Public Law  
5 104-191, or any subsequent amendments thereto, and any  
6 regulations promulgated thereunder.

7 (u) Records and information provided to an independent  
8 team of experts under the Developmental Disability and  
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied  
11 for or received Firearm Owner's Identification Cards under  
12 the Firearm Owners Identification Card Act or applied for  
13 or received a concealed carry license under the Firearm  
14 Concealed Carry Act, unless otherwise authorized by the  
15 Firearm Concealed Carry Act; and databases under the  
16 Firearm Concealed Carry Act, records of the Concealed  
17 Carry Licensing Review Board under the Firearm Concealed  
18 Carry Act, and law enforcement agency objections under the  
19 Firearm Concealed Carry Act.

20 (w) Personally identifiable information which is  
21 exempted from disclosure under subsection (g) of Section  
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure  
24 under Section 5-1014.3 of the Counties Code or Section  
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling  
2 statute, the Elder Abuse and Neglect Act, including  
3 information about the identity and administrative finding  
4 against any caregiver of a verified and substantiated  
5 decision of abuse, neglect, or financial exploitation of  
6 an eligible adult maintained in the Registry established  
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality  
9 review team or the Illinois Fatality Review Team Advisory  
10 Council under Section 15 of the Adult Protective Services  
11 Act.

12 (aa) Information which is exempted from disclosure  
13 under Section 2.37 of the Wildlife Code.

14 (bb) Information which is or was prohibited from  
15 disclosure by the Juvenile Court Act of 1987.

16 (cc) Recordings made under the Law Enforcement  
17 Officer-Worn Body Camera Act, except to the extent  
18 authorized under that Act.

19 (dd) Information that is prohibited from being  
20 disclosed under Section 45 of the Condominium and Common  
21 Interest Community Ombudsperson Act.

22 (ee) Information that is exempted from disclosure  
23 under Section 30.1 of the Pharmacy Practice Act.

24 (ff) Information that is exempted from disclosure  
25 under the Revised Uniform Unclaimed Property Act.

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle  
2 Code.

3 (hh) Records that are exempt from disclosure under  
4 Section 1A-16.7 of the Election Code.

5 (ii) Information which is exempted from disclosure  
6 under Section 2505-800 of the Department of Revenue Law of  
7 the Civil Administrative Code of Illinois.

8 (jj) Information and reports that are required to be  
9 submitted to the Department of Labor by registering day  
10 and temporary labor service agencies but are exempt from  
11 disclosure under subsection (a-1) of Section 45 of the Day  
12 and Temporary Labor Services Act.

13 (kk) Information prohibited from disclosure under the  
14 Seizure and Forfeiture Reporting Act.

15 (ll) Information the disclosure of which is restricted  
16 and exempted under Section 5-30.8 of the Illinois Public  
17 Aid Code.

18 (mm) Records that are exempt from disclosure under  
19 Section 4.2 of the Crime Victims Compensation Act.

20 (nn) Information that is exempt from disclosure under  
21 Section 70 of the Higher Education Student Assistance Act.

22 (oo) Communications, notes, records, and reports  
23 arising out of a peer support counseling session  
24 prohibited from disclosure under the First Responders  
25 Suicide Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law  
2 enforcement agency under the First Responders Suicide  
3 Prevention Act.

4 (qq) Information and records held by the Department of  
5 Public Health and its authorized representatives collected  
6 under the Reproductive Health Act.

7 (rr) Information that is exempt from disclosure under  
8 the Cannabis Regulation and Tax Act.

9 (ss) Data reported by an employer to the Department of  
10 Human Rights pursuant to Section 2-108 of the Illinois  
11 Human Rights Act.

12 (tt) Recordings made under the Children's Advocacy  
13 Center Act, except to the extent authorized under that  
14 Act.

15 (uu) Information that is exempt from disclosure under  
16 Section 50 of the Sexual Assault Evidence Submission Act.

17 (vv) Information that is exempt from disclosure under  
18 subsections (f) and (j) of Section 5-36 of the Illinois  
19 Public Aid Code.

20 (ww) Information that is exempt from disclosure under  
21 Section 16.8 of the State Treasurer Act.

22 (xx) Information that is exempt from disclosure or  
23 information that shall not be made public under the  
24 Illinois Insurance Code.

25 (yy) Information prohibited from being disclosed under  
26 the Illinois Educational Labor Relations Act.

1 (zz) Information prohibited from being disclosed under  
2 the Illinois Public Labor Relations Act.

3 (aaa) Information prohibited from being disclosed  
4 under Section 1-167 of the Illinois Pension Code.

5 (bbb) ALPR system data or historical ALPR system data  
6 under the Automated License Plate Recognition System Data  
7 Act.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,  
17 eff. 7-7-20.)