

# SB3864



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3864

Introduced 1/21/2022, by Sen. John Connor

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-2.5

Amends the Criminal Code of 2012 concerning the use of electronic tracking devices. Exempts from criminal liability for using an electronic tracking device, a private detective licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or a registered employee of a licensed private detective agency who: (1) installs the tracking device for a legitimate business purpose and installs the tracking device on a vehicle that is not: (i) owned or leased by an individual under the protection of a protective order; or (ii) operated by an individual under the protection of a protective order who resides with, or is an immediate family member of, the owner or lessee of the vehicle; or (2) installs the tracking device pursuant to a court order. Defines "immediate family member" and "protective order".

LRB102 22442 RLC 31582 b

A BILL FOR

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 Criminal Code of 2012 is amended by  
5 changing Section 21-2.5 as follows:

6 (720 ILCS 5/21-2.5)

7 Sec. 21-2.5. Electronic tracking devices prohibited.

8 (a) As used in this Section:

9 "Electronic tracking device" means any device attached  
10 to a vehicle that reveals its location or movement by the  
11 transmission of electronic signals.

12 "State agency" means all departments, officers,  
13 commissions, boards, institutions, and bodies politic and  
14 corporate of the State. The term, however, does not mean  
15 the judicial branch, including, without limitation, the  
16 several courts of the State, the offices of the clerk of  
17 the supreme court and the clerks of the appellate court,  
18 and the Administrative Office of the Illinois Courts, nor  
19 does it mean the legislature or its committees or  
20 commissions.

21 "Telematics" includes, but is not limited to,  
22 automatic airbag deployment and crash notification, remote  
23 diagnostics, navigation, stolen vehicle location, remote

1 door unlock, transmitting emergency and vehicle location  
2 information to public safety answering points, and any  
3 other service integrating vehicle location technology and  
4 wireless communications.

5 "Vehicle" has the meaning ascribed to it in Section  
6 1-217 of the Illinois Vehicle Code.

7 (b) A person or entity in this State may not use an  
8 electronic tracking device to determine the location or  
9 movement of a person.

10 (c) This Section does not apply:

11 (1) when the registered owner, lessor, or lessee of a  
12 vehicle has consented to the use of the electronic  
13 tracking device with respect to that vehicle;

14 (2) to the lawful use of an electronic tracking device  
15 by a law enforcement agency;

16 (3) when the vehicle is owned or leased by a business  
17 that is authorized to transact business in this State and  
18 the tracking device is used by the business for the  
19 purpose of tracking vehicles driven by employees of that  
20 business, its affiliates, or contractors of that business  
21 or its affiliates;

22 (4) when the vehicle is under the control of a State  
23 agency and the electronic tracking device is used by the  
24 agency, or the Inspector General appointed under the State  
25 Officials and Employees Ethics Act who has jurisdiction  
26 over that State agency, for the purpose of tracking

1 vehicles driven by employees or contractors of that State  
2 agency; ~~or~~

3 (5) telematic services that were installed by the  
4 manufacturer, or installed by or with the consent of the  
5 owner or lessee of the vehicle and to which the owner or  
6 lessee has subscribed. Consent by the owner or lessee of  
7 the vehicle constitutes consent for any other driver or  
8 passenger of that vehicle; or

9 (6) to a private detective licensed under the Private  
10 Detective, Private Alarm, Private Security, Fingerprint  
11 Vendor, and Locksmith Act of 2004 or a registered employee  
12 of a licensed private detective agency who:

13 (A) installs the tracking device for a legitimate  
14 business purpose and installs the tracking device on a  
15 vehicle that is not:

16 (i) owned or leased by an individual under the  
17 protection of a protective order; or

18 (ii) operated by an individual under the  
19 protection of a protective order who resides with,  
20 or is an immediate family member of, the owner or  
21 lessee of the vehicle; or

22 (B) installs the tracking device pursuant to a  
23 court order.

24 In this paragraph (6):

25 "Immediate family member" means a spouse, parent, son,  
26 daughter, son-in-law, daughter-in-law, brother, or sister.

1           "Protective order" means any order of protection  
2           issued under Article 112A of the Code of Criminal  
3           Procedure of 1963, the Illinois Domestic Violence Act of  
4           1986, a stalking no contact order issued under the  
5           Stalking No Contact Order Act, a civil no contact order  
6           issued under the Civil No Contact Order Act, or a firearms  
7           restraining order issued under the Firearms Restraining  
8           Order Act.

9           (c-5) Before installing a tracking device on a vehicle  
10          under paragraph (6) of subsection (c), a licensed private  
11          detective or registered employee of a licensed private  
12          detective agency shall request confirmation from the Illinois  
13          State Police, that:

14           (1) the owner or lessee of the vehicle is not under the  
15           protection of a protective order; and

16           (2) an individual who resides with, or is an immediate  
17           family member of, the owner or lessee of the motor vehicle  
18           is not under the protection of a protective order.

19          (c-6) On request from a licensed private detective, the  
20          Illinois State Police, with access to protective order  
21          records, shall confirm or deny the existence of a protective  
22          order, disclosing only whether an individual named by the  
23          private detective is under the protection of a protective  
24          order issued in any jurisdiction.

25          (c-7) A licensed private detective or registered employee  
26          of a licensed private detective agency may not disclose the

1 information obtained under subsection (c-6) to any person,  
2 except as permitted by law.

3 (c-8) On request from the Illinois State Police, a  
4 licensed private detective or registered employee of a  
5 licensed private detective agency who installs a tracking  
6 device on a vehicle shall disclose the purpose of the tracking  
7 device to the Illinois State Police.

8 (d) Sentence. A violation of this Section is a Class A  
9 misdemeanor.

10 (Source: P.A. 98-381, eff. 1-1-14.)