



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2611

Introduced 2/15/2023, by Rep. Jed Davis

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Protection of All Property from Warrantless Searches Act. Prohibits a government agent from entering a home or private land without a search warrant except: (1) after receiving the permission of the property owner, lessee, or occupant; (2) to respond to a life-threatening emergency or another immediate threat to public safety that was either reported to the government agent or the government agent personally observed; (3) to prevent the imminent unlawful killing of wildlife or the destruction of evidence of such unlawful killing where the government agent has probable cause to believe either is about to occur; (4) to dispatch crippled or distressed wildlife the government agent has personally observed; or (5) to apprehend a fleeing subject that the government agent has probable cause to believe is on the property. Provides that any evidence obtained pursuant to a search and seizure conducted in violation of the Act is inadmissible in any administrative, civil, or criminal proceeding. Provides that any arrest made pursuant to a search or seizure conducted in violation of the Act is invalid. Allows a person who believes the person's rights have been violated under the Act to bring an action for actual damages. Allows a prevailing plaintiff in such an action to recover declaratory relief, injunctive relief, compensatory damages, nominal damages, and attorney's fees.

LRB103 29809 LNS 56216 b

1 AN ACT concerning civil law.

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 Protection of All Property from Warrantless Searches Act.

6 Section 5. Findings.

7 (a) The people of this State have a right to be free from  
8 physical intrusions on their private property.

9 (b) The people of this State have a reasonable expectation  
10 of privacy in their homes and property, both real and  
11 personal.

12 (c) This State should protect its residents' homes and  
13 property, both real and personal, from warrantless and  
14 otherwise illegal searches and seizures.

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

16 "Government agent" means any local, State, or federal  
17 official who is employed or contracted by the government in  
18 this State, including any peace officer, inspector, and  
19 wildlife official.

20 "Home" means any private residence that is owned, leased,  
21 used, or occupied. "Home" includes private land on which the  
22 residence is located.

1 "Private land" means land that is owned, leased, used, or  
2 occupied by a natural person or nongovernment entity.

3 "Probable cause" means the presence of facts and  
4 circumstances within the government agent's knowledge that  
5 would warrant a person of reasonable caution to believe that  
6 an offense has been or is being committed. "Probable cause"  
7 does not include the possession, discharge, or use of one or  
8 more items that are legal to possess.

9 "Search warrant" means a warrant that is supported by  
10 individualized probable cause and executed by a magistrate or  
11 judge.

12 Section 15. Conditions for government to enter homes and  
13 private land.

14 (a) No government agent shall enter a home or private land  
15 without a search warrant except:

16 (1) after receiving the permission of the property  
17 owner, lessee, or occupant;

18 (2) to respond to a life-threatening emergency or  
19 another immediate threat to public safety that was either  
20 reported to the government agent or the government agent  
21 personally observed;

22 (3) to prevent the imminent unlawful killing of  
23 wildlife or the destruction of evidence of such unlawful  
24 killing where the government agent has probable cause to  
25 believe either is about to occur;

1           (4) to dispatch crippled or distressed wildlife the  
2           government agent has personally observed; or

3           (5) to apprehend a fleeing subject that the government  
4           agent has probable cause to believe is on the property.

5           (b) Upon entering private land, the government agent shall  
6           immediately notify the landowner, lessee, or occupant if  
7           notice can be reasonably made.

8           (c) Unless entering under an exception in subsection (a),  
9           a government agent shall show the search warrant to the  
10          property owner, lessee, or occupant if property owner, lessee,  
11          or occupant is present.

12          (d) If a government agent is equipped with a body-mounted  
13          camera while entering a home or private land, the camera must  
14          be activated, unobscured, and recording the entire time the  
15          government agent is on the property.

16          (e) If a government agent enters private land pursuant to  
17          paragraph (4) of subsection (a), the government agent shall,  
18          prior to and after dispatching the wildlife, show the wildlife  
19          to the landowner, lessee, or occupant if the landowner,  
20          lessee, or occupant requests to see the wildlife.

21          (f) A government agent shall not seize any private  
22          property, including currency, vehicles, weapons, tools, or  
23          wild game, without individualized probable cause of the  
24          commission of a criminal offense.

25                Section 20. Illegal searches and seizures.

1           (a) Any evidence obtained pursuant to a search or seizure  
2 conducted in violation of this Act is inadmissible in any  
3 administrative, civil, or criminal proceeding.

4           (b) Any arrest made pursuant to a search or seizure  
5 conducted in violation of this Act is invalid.

6           (c) If a government agent searches or enters a home or  
7 private land in violation of this Act, a person who believes  
8 the person's rights have been violated may pursue an action  
9 for actual damages.

10          (d) In an action under subsection (c), a prevailing  
11 plaintiff may recover declaratory relief, injunctive relief,  
12 compensatory damages, nominal damages, and attorney's fees.