



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1587

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1587 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Freedom from Drone Surveillance Act.

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

7 "Authority" means the Illinois Criminal Justice  
8 Information Authority.

9 "Drone" means any aerial vehicle that does not carry a  
10 human operator.

11 "Information" means any evidence, images, sounds, data, or  
12 other information gathered by a drone.

13 "Law enforcement agency" means any agency of this State or  
14 a political subdivision of this State which is vested by law  
15 with the duty to maintain public order and to enforce criminal  
16 laws.

1           Section 10. Prohibited use of drones. Except as provided  
2 in Section 15, a law enforcement agency may not use a drone to  
3 gather information.

4           Section 15. Exceptions. This Act does not prohibit the use  
5 of a drone by a law enforcement agency:

6           (1) To counter a high risk of a terrorist attack by a  
7 specific individual or organization if the United States  
8 Secretary of Homeland Security determines that credible  
9 intelligence indicates that there is that risk.

10          (2) If a law enforcement agency first obtains a search  
11 warrant based on probable cause issued under Section 108-3 of  
12 the Code of Criminal Procedure of 1963. The warrant must be  
13 limited to a period of 45 days, renewable by the judge upon a  
14 showing of good cause for subsequent periods of 45 days.

15          (3) If a law enforcement agency possesses reasonable  
16 suspicion that, under particular circumstances, swift action  
17 is needed to prevent imminent harm to life or serious damage to  
18 property, or to forestall the imminent escape of a suspect or  
19 the destruction of evidence. The use of a drone under this  
20 paragraph (3) is limited to a period of 48 hours. Within 24  
21 hours of the initiation of the use of a drone under this  
22 paragraph (3), the chief executive officer of the law  
23 enforcement agency must report in writing the use of a drone to  
24 the local State's Attorney.

1           (4) If a law enforcement agency is attempting to locate a  
2 missing person, and is not also undertaking a criminal  
3 investigation.

4           (5) If a law enforcement agency is using a drone solely for  
5 crime scene photography.

6           Section 20. Information retention. If a law enforcement  
7 agency uses a drone under Section 15 of this Act, the agency  
8 within 30 days shall destroy all information gathered by the  
9 drone, except that a supervisor at that agency may retain  
10 particular information if:

11           (1) there is reasonable suspicion that the information  
12 contains evidence of criminal activity, or

13           (2) the information is relevant to an ongoing investigation  
14 or pending criminal trial.

15           Section 25. Information disclosure. If a law enforcement  
16 agency uses a drone under Section 15 of this Act, the agency  
17 shall not disclose any information gathered by the drone,  
18 except that a supervisor of that agency may disclose particular  
19 information to another government agency, if (1) there is  
20 reasonable suspicion that the information contains evidence of  
21 criminal activity, or (2) the information is relevant to an  
22 ongoing investigation or pending criminal trial.

23           Section 30. Admissibility. Compliance with this Act is a

1 prerequisite to the admissibility in evidence of any  
2 information collected by a law enforcement agency by means of a  
3 drone, but nothing in this Act shall be deemed to prevent a  
4 court from independently reviewing the admissibility of the  
5 evidence for compliance with the Fourth Amendment to the U.S.  
6 Constitution or with Article I, Section 6 of the Illinois  
7 Constitution.

8 Section 35. Reporting.

9 (a) If a law enforcement agency owns one or more drones,  
10 then subsequent to the effective date of this Act, it shall  
11 report in writing annually by April 1 to the Authority the  
12 number of drones that it owns.

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