

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Freedom from Drone Surveillance Act is amended by changing Section 15 and by adding Section 40 as follows:

(725 ILCS 167/15)

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

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

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

(3) If a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, or to forestall the imminent escape of a suspect or the

destruction of evidence. The use of a drone under this paragraph (3) is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this paragraph (3), the chief executive officer of the law enforcement agency must report in writing the use of a drone to the local State's Attorney.

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

(5) If a law enforcement agency is using a drone solely for crime scene and traffic crash scene photography. Crime scene and traffic crash photography must be conducted in a geographically confined and time-limited manner to document specific occurrences. The use of a drone under this paragraph (5) on private property requires either a search warrant based on probable cause under Section 108-3 of the Code of Criminal Procedure of 1963 or lawful consent to search. The use of a drone under this paragraph (5) on lands, highways, roadways, or areas belonging to this State or political subdivisions of this State does not require a search warrant or consent to search. Any law enforcement agency operating a drone under this paragraph (5) shall make every reasonable attempt to only photograph the crime scene or traffic crash scene and avoid other areas.

(6) If a law enforcement agency is using a drone during a disaster or public health emergency, as defined by

Section 4 of the Illinois Emergency Management Agency Act.
The use of a drone under this paragraph (6) does not
require an official declaration of a disaster or public
health emergency prior to use. A law enforcement agency may
use a drone under this paragraph (6) to obtain information
necessary for the determination of whether or not a
disaster or public health emergency should be declared, to
monitor weather or emergency conditions, to survey damage,
or to otherwise coordinate response and recovery efforts.
The use of a drone under this paragraph (6) is permissible
during the disaster or public health emergency and during
subsequent response and recovery efforts.

(Source: P.A. 98-569, eff. 1-1-14.)

(725 ILCS 167/40 new)

Sec. 40. Law enforcement use of private drones.

(a) Except as provided in Section 15, a law enforcement
agency may not acquire information from or direct the
acquisition of information through the use of a drone owned by
a private third party. In the event that law enforcement
acquires information from or directs the acquisition of
information through the use of a privately owned drone under
Section 15 of this Act, any information so acquired is subject
to Sections 20 and 25 of this Act.

(b) Nothing in this Act prohibits private third parties
from voluntarily submitting information acquired by a

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privately owned drone to law enforcement. In the event that law enforcement acquires information from the voluntary submission of that information, whether under a request or on a private drone owner's initiative, the information is subject to Sections 20 and 25 of this Act.