



Freedom from Drone Surveillance Act

SB4009 Sen. John Connor
HB5452 Rep. Thaddeus Jones



Background

In the 8 years since the initial passage of the Illinois Freedom from Drone Surveillance Act, the use of drones has changed substantially. Drones are now regularly utilized to inspect bridges, water towers and power lines as well as by news media, realtors, farmers, and hobbyists. The broad use of and ready access to drones are largely governed by the Federal Aviation Administration (FAA). The enhanced capabilities offered by drones could be beneficial for law enforcement, which is what HB5452 seeks to address.

The recommendations are limited to specific situations that would provide proactive and/or preventative benefits for public safety.

Summary of Proposed Changes:

- Updates the “definitions” within the act of “special events” and “emotionally disturbed persons”.
- Emotionally Disturbed person:
 - A narrowly tailored definition to determine when law enforcement may use a drone to determine the best course of action for a person in mental distress.
 - Provides law enforcement an option to assess the situation without the use of physical police personnel, which can aggravate a person in distress.
- Special event:
 - Definition taken from the Federal Emergency Management Agency (FEMA).
 - Permits the use of a drone by a law enforcement agency at a special event to prepare for or observe crowd size, density, and movement; assess public safety staffing; or to oversee the general safety of the participants.
 - If the special event is occurring on private property, use of a drone for this exception shall be authorized by the owners or organizers prior to flight.
- Eliminates the word “data” from the definition of “information” and clarifies that the word “information” does include training of law enforcement officers.
- Provides that a law enforcement agency may use a drone to respond to Public Safety Answering Point (PSAP) dispatched calls for service, when the primary purpose for the

response is to locate or assist victims, or both, identify offenders, and to guide emergency response.

- Provides that information gathered by a drone is subject to the disclosure and exception to disclosure provisions of the Freedom of Information Act.
 - Currently law restricts the ability to release drone footage, this would provide transparency.