

A LOOK AT 15 YEARS OF OUR RIGHT TO PRIVACY IN THE ILLINOIS LEGISLATURE

(2008) BIOMETRIC INFORMATION PRIVACY ACT - SB 2400 PUBLIC ACT 95-0994

Sponsors: Sen. Link & Rep. Ryg

The Biometric Information Privacy Act (BIPA) prohibits any company from selling or otherwise profiting from consumers' biometric information and requires companies to provide a written notice and obtain written consent from the consumer before collecting consumers' biometric information. BIPA is a historic legislation in Illinois and continues to stand as the most protective biometric privacy law in the nation, with the only one of its kind to offer consumers protection by allowing them to take a company who violates the law to court.

(2013) FREEDOM FROM DRONE SURVEILLANCE ACT - SB 1587 PUBLIC ACT 98-0569

Sponsors: Sen. Biss & Rep. A. Williams

SB 1587 ensures the privacy guarantees of the Fourth Amendment and the Illinois Constitution by prohibiting law enforcement from using a drone to gather evidence or conduct surveillance except when countering a terrorist attack, authorized by a search warrant, needed to prevent imminent harm to life or serious damage to property, or forestalling a suspect's escape or the destruction of evidence.

(2014) LIMITATION OF LAW ENFORCEMENT USE OF PRIVATE DRONES - SB 2937 PUBLIC ACT 98-0831

Sponsors: Sen. Biss & Rep. A. Williams

SB 2937 builds on the protections created by the Freedom From Drone Surveillance Act passed in 2013, making clear that law enforcement cannot urge any private drone owner to conduct such surveillance, and then use the materials gathered for prosecution.

(2014) FREEDOM FROM LOCATION SURVEILLANCE ACT - SB 2808 PUBLIC ACT 98-1104

Sponsors: Sen. Biss & Rep. A. Williams

SB 2808 is a response to the increasingly common and precise location tracking that creates intrusions on an individual's reasonable expectation of privacy in everyday travel. The act requires a court order based on probable cause of crime before law enforcement can obtain current or future location information from an individual's electronic device, unless the location information is acquired for a narrow list of exceptions (e.g., in response to a user's call for emergency services, to locate a missing person, or with the express consent of the user).

(2016) CITIZEN PRIVACY PROTECTION ACT - SB 2343 PUBLIC ACT 99-0622

Sponsors: Sen. Biss & Rep. A. Williams

SB 2343 creates statewide regulations for the use of invasive surveillance technology known as "Stingrays", a virtual pat down of your phone without your knowing the pat down occurred. While they are an effective piece of technology for tracking and surveilling suspects, Stingrays have the potential to sweep private data from mobile devices that are not part of an investigation. This act allows law enforcement to use cell site simulators for the narrow purpose of locating or tracking the location of a communications device after obtaining a court order based on probable cause, but it does not allow law enforcement to disable a phone by intercepting data and actual content, employing malware, blocking calls, locking phones, or draining battery life.



(2019) INCREASED PROTECTIONS FOR HISTORICAL LOCATION INFORMATION - HB 2134 PUBLIC ACT 101-0460

Sponsors: Rep. A. Williams & Sen. Harmon

HB 2134 amends the existing Illinois Freedom from Location Surveillance Act to require law enforcement to obtain a warrant before accessing historical location information. Previously, only current and future historical location information required a warrant. This amendment recognizes the 2018 Supreme Court decision in *Carpenter v. United States* that cell phone users have a reasonable expectation of privacy under the Fourth Amendment in historical cell site location data in addition to current or future location information.

(2021) PROTECTING HOUSEHOLD PRIVACY ACT - HB 2553 PUBLIC ACT 102-0597

Sponsors: Rep. A. Williams & Sen. Castro

HB 2553 protects private electronic information stored in household electronic devices (also known as “smart devices”) from being collected by law enforcement without a valid warrant, court order, or exigent circumstances. The act also places reasonable limitations on the retention and disclosure of the information once it is collected by law enforcement.

