

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Sections 4-110 and 4-111 as follows:

6 (625 ILCS 5/4-110 new)

7 Sec. 4-110. Stolen vehicle recovery hotline. In a county
8 having a population of 3,000,000 or more, the county sheriff
9 shall establish with other law enforcement agencies a vehicle
10 theft hotline to facilitate interaction with vehicle
11 manufacturers and vehicle location vendors consistent with the
12 Freedom From Location Surveillance Act. The county sheriff
13 shall collaborate with vehicle manufacturers, dealers, and
14 vehicle location vendors to provide information and assistance
15 to law enforcement officers in the investigation of a
16 vehicular hijacking or kidnapping incident and ensure that
17 consumers are provided with information concerning the
18 hotline, new or used vehicles manufactured with stolen vehicle
19 locator capabilities, and how consumers can activate stolen
20 vehicle locator services by publishing the information in a
21 conspicuous location on the county sheriff's website.

22 (625 ILCS 5/4-111 new)

1 Sec. 4-111. Manufacturer's vehicle incident hotline; law
2 enforcement verification; manufacturer statements.

3 (a) Unless the manufacturer or its vehicle location vendor
4 operates an existing vehicle location service line, a
5 manufacturer of any vehicle sold in this State shall maintain
6 a telephone number that is staffed and available to State,
7 county, and local law enforcement agencies and their
8 respective 9-1-1 system call centers or designated dispatch
9 centers 24 hours a day, 7 days a week to assist law enforcement
10 with locating vehicles in the investigation of vehicles stolen
11 in vehicular hijacking incidents or that have been used in the
12 commission of a kidnapping. The hotline for the manufacturer
13 or the manufacturer's vehicle location vendor shall relay
14 vehicle location information, including real-time vehicle
15 location information whenever reasonably possible, to the
16 9-1-1 call center or designated dispatch center or sworn law
17 enforcement personnel for any of the responding law
18 enforcement agencies, to the best of the manufacturer's or
19 vehicle location vendor's technical capability when:

20 (1) a warrant or other court order has been issued
21 relating to the vehicle's location information and
22 provided to the manufacturer or the vehicle location
23 vendor; or

24 (2) the vehicle owner lawfully consents to the vehicle
25 location information being shared with the 9-1-1 call
26 center or designated dispatch center and responding law

1 enforcement officials; or

2 (3) the 9-1-1 call center or designated dispatch
3 center or responding law enforcement officials:

4 (A) provides adequate verification to the
5 manufacturer or the vehicle location vendor, of their
6 identity as law enforcement and the identity of the
7 responding law enforcement official; and

8 (B) the responding law enforcement officials shall
9 certify to the manufacturer or the vehicle location
10 vendor, that the situation involves a clear and
11 present danger of death or great bodily harm to
12 persons resulting from the vehicular hijacking or
13 kidnapping incident.

14 (b) State, county, and local law enforcement agencies
15 shall use their respective 9-1-1 system call centers or
16 designated dispatch centers for the purpose of verification of
17 law enforcement officers' identities and bona fide incident
18 report numbers related to incidents.

19 (c) If a vehicle is equipped with functioning vehicle
20 location tracking capability, but the capability is not
21 currently activated, the manufacturer or the vehicle location
22 vendor shall waive all fees associated with initiating,
23 renewing, reestablishing, or maintaining the vehicle location
24 service the vehicle is equipped with during the investigation
25 of the vehicle being stolen in a vehicular hijacking incident
26 or being used in the commission of kidnapping incident when

1 law enforcement has confirmed that the situation involves a
2 clear and present danger of death or great bodily harm to
3 persons as described in paragraph (3) of subsection (a) and
4 requires disclosure of vehicle location information without
5 delay.

6 (d) A vehicle manufacturer or a subsidiary, vendor,
7 employee, officer, director, representative, or contractor of
8 the vehicle manufacturer shall not be liable and no cause of
9 action shall arise under the laws of this State for providing,
10 or in good faith attempting to provide, information or
11 assistance to a law enforcement agency, 9-1-1 call center, or
12 designated dispatch center pursuant to the mechanisms and
13 processes established under this Section.

14 Section 10. The Freedom From Location Surveillance Act is
15 amended by changing Section 15 as follows:

16 (725 ILCS 168/15)

17 Sec. 15. Exceptions. This Act does not prohibit a law
18 enforcement agency from seeking to obtain location
19 information:

20 (1) to respond to a call for emergency services
21 concerning the user or possessor of an electronic device;

22 (2) with the lawful consent of the owner of the
23 electronic device or person in actual or constructive
24 possession of the item being tracked by the electronic

1 device;

2 (3) to lawfully obtain location information broadly
3 available to the general public without a court order when
4 the location information is posted on a social networking
5 website, or is metadata attached to images and video, or
6 to determine the location of an Internet Protocol (IP)
7 address through a publicly available service;

8 (4) to obtain location information generated by an
9 electronic device used as a condition of release from a
10 penal institution, as a condition of pre-trial release,
11 probation, conditional discharge, parole, mandatory
12 supervised release, or other sentencing order, or to
13 monitor an individual released under the Sexually Violent
14 Persons Commitment Act or the Sexually Dangerous Persons
15 Act;

16 (5) to aid in the location of a missing person;

17 (6) in emergencies as follows:

18 (A) Notwithstanding any other provisions of this
19 Act, any investigative or law enforcement officer may
20 seek to obtain location information in an emergency
21 situation as defined in this paragraph (6). This
22 paragraph (6) applies only when there was no previous
23 notice of the emergency to the investigative or law
24 enforcement officer sufficient to obtain prior
25 judicial approval, and the officer reasonably believes
26 that an order permitting the obtaining of location

1 information would issue were there prior judicial
2 review. An emergency situation exists when:

3 (i) the use of the electronic device is
4 necessary for the protection of the investigative
5 or law enforcement officer or a person acting at
6 the direction of law enforcement; or

7 (ii) the situation involves:

8 (aa) a clear and present danger of
9 imminent death or great bodily harm to persons
10 resulting from:

11 (I) the use of force or the threat of
12 the imminent use of force,

13 (II) a kidnapping or the holding of a
14 hostage by force or the threat of the
15 imminent use of force, or

16 (III) the occupation by force or the
17 threat of the imminent use of force of any
18 premises, place, vehicle, vessel, or
19 aircraft;

20 (bb) an abduction investigation;

21 (cc) conspiratorial activities
22 characteristic of organized crime;

23 (dd) an immediate threat to national
24 security interest;

25 (ee) an ongoing attack on a computer
26 comprising a felony;~~or~~

1 (ff) escape under Section 31-6 of the
2 Criminal Code of 2012; or -

3 (gg) vehicular hijacking.

4 (B) In all emergency cases, an application for an
5 order approving the previous or continuing obtaining
6 of location information must be made within 72 hours
7 of its commencement. In the absence of the order, or
8 upon its denial, any continuing obtaining of location
9 information gathering shall immediately terminate. In
10 order to approve obtaining location information, the
11 judge must make a determination (i) that he or she
12 would have granted an order had the information been
13 before the court prior to the obtaining of the
14 location information and (ii) there was an emergency
15 situation as defined in this paragraph (6).

16 (C) In the event that an application for approval
17 under this paragraph (6) is denied, the location
18 information obtained under this exception shall be
19 inadmissible in accordance with Section 20 of this
20 Act; or

21 (7) to obtain location information relating to an
22 electronic device used to track a vehicle or an effect
23 which is owned or leased by that law enforcement agency.

24 (Source: P.A. 101-460, eff. 8-23-19.)