



Sen. Michael E. Hastings

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10300HB2245sam001

LRB103 25366 MXP 60078 a

1 AMENDMENT TO HOUSE BILL 2245

2 AMENDMENT NO. _____. Amend House Bill 2245 by replacing
3 everything after the enacting clause with the following:

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

1 consumers are provided with information concerning the
2 hotline, new or used vehicles manufactured with stolen vehicle
3 locator capabilities, and how consumers can activate stolen
4 vehicle locator services by publishing the information in a
5 conspicuous location on the county sheriff's website.

6 (625 ILCS 5/4-111 new)

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

9 (a) Unless the manufacturer or vehicle location vendor
10 operates an existing vehicle location service line, a
11 manufacturer of any vehicle sold in this State shall maintain
12 a telephone number that is staffed and available to State,
13 county, and local law enforcement agencies and their
14 respective 9-1-1 system call centers or designated dispatch
15 centers 24 hours a day, 7 days a week to assist law enforcement
16 with locating vehicles in the investigation of vehicles stolen
17 in vehicular hijacking incidents or that have been used in the
18 commission of a kidnapping. The hotline for the manufacturer
19 or the manufacturer's vehicle location vendor shall relay
20 vehicle location information, including real-time vehicle
21 location information whenever reasonably possible, to the
22 9-1-1 call center or designated dispatch center or sworn law
23 enforcement personnel for any of the responding law
24 enforcement agencies, to the best of the manufacturer's or
25 vehicle location vendor's technical capability when:

1 (1) a warrant or other court order has been issued
2 relating to the vehicle's location information and
3 provided to the manufacturer or the vehicle location
4 vendor;

5 (2) the vehicle owner lawfully consents to the vehicle
6 location information being shared with the 9-1-1 call
7 center or designated dispatch center and responding law
8 enforcement officials; or

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

11 (A) provides adequate verification to the
12 manufacturer or the vehicle location vendor, of their
13 identity as law enforcement and the identity of the
14 responding law enforcement official; and

15 (B) the responding law enforcement officials shall
16 certify to the manufacturer or the vehicle location
17 vendor, that the situation involves a clear and
18 present danger of death or great bodily harm to
19 persons resulting from the vehicular hijacking or
20 kidnapping incident.

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

26 (c) If a vehicle is equipped with functioning vehicle

1 location tracking capability, but the capability is not
2 currently activated, the manufacturer or the vehicle location
3 vendor shall waive all fees associated with initiating,
4 renewing, reestablishing, or maintaining the vehicle location
5 service the vehicle is equipped with during the investigation
6 of the vehicle being stolen in a vehicular hijacking incident
7 or being used in the commission of kidnapping incident when
8 law enforcement has confirmed that the situation involves a
9 clear and present danger of death or great bodily harm to
10 persons as described in paragraph (3) of subsection (a) and
11 requires disclosure of vehicle location information without
12 delay.

13 (d) There shall be no cause of action or liability under
14 the laws of this State for a vehicle manufacturer, its
15 subsidiaries, or vendors, or any employee, officer, director,
16 representatives, or contractor of the manufacturer,
17 subsidiary, or vendor, that provides, or in good faith
18 attempts to provide, information or assistance to a law
19 enforcement agency, 9-1-1 call center, or designated dispatch
20 center pursuant to the mechanisms and processes established
21 under this Section.

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

24 (725 ILCS 168/15)

1 Sec. 15. Exceptions. This Act does not prohibit a law
2 enforcement agency from seeking to obtain location
3 information:

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

6 (2) with the lawful consent of the owner of the
7 electronic device or person in actual or constructive
8 possession of the item being tracked by the electronic
9 device;

10 (3) to lawfully obtain location information broadly
11 available to the general public without a court order when
12 the location information is posted on a social networking
13 website, or is metadata attached to images and video, or
14 to determine the location of an Internet Protocol (IP)
15 address through a publicly available service;

16 (4) to obtain location information generated by an
17 electronic device used as a condition of release from a
18 penal institution, as a condition of pre-trial release,
19 probation, conditional discharge, parole, mandatory
20 supervised release, or other sentencing order, or to
21 monitor an individual released under the Sexually Violent
22 Persons Commitment Act or the Sexually Dangerous Persons
23 Act;

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

25 (6) in emergencies as follows:

26 (A) Notwithstanding any other provisions of this

1 Act, any investigative or law enforcement officer may
2 seek to obtain location information in an emergency
3 situation as defined in this paragraph (6). This
4 paragraph (6) applies only when there was no previous
5 notice of the emergency to the investigative or law
6 enforcement officer sufficient to obtain prior
7 judicial approval, and the officer reasonably believes
8 that an order permitting the obtaining of location
9 information would issue were there prior judicial
10 review. An emergency situation exists when:

11 (i) the use of the electronic device is
12 necessary for the protection of the investigative
13 or law enforcement officer or a person acting at
14 the direction of law enforcement; or

15 (ii) the situation involves:

16 (aa) a clear and present danger of
17 imminent death or great bodily harm to persons
18 resulting from:

19 (I) the use of force or the threat of
20 the imminent use of force,

21 (II) a kidnapping or the holding of a
22 hostage by force or the threat of the
23 imminent use of force, or

24 (III) the occupation by force or the
25 threat of the imminent use of force of any
26 premises, place, vehicle, vessel, or

- 1 aircraft;
- 2 (bb) an abduction investigation;
- 3 (cc) conspiratorial activities
4 characteristic of organized crime;
- 5 (dd) an immediate threat to national
6 security interest;
- 7 (ee) an ongoing attack on a computer
8 comprising a felony;~~or~~
- 9 (ff) escape under Section 31-6 of the
10 Criminal Code of 2012; or -
- 11 (gg) vehicular hijacking.

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

24 (C) In the event that an application for approval
25 under this paragraph (6) is denied, the location
26 information obtained under this exception shall be

1 inadmissible in accordance with Section 20 of this
2 Act; or

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

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