



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

May 24, 2018

Sen. John J. Cullerton
President of the Senate
327 Capitol Building
Springfield, IL 62706

Rep. Michael J. Madigan
Speaker of the House
300 Capitol Building
Springfield, IL 62706

Re: S.B. 2562 and H.B. 4405 (drone surveillance) – OPPOSE

To the Honorable Members of the Illinois State House and Senate:

The Electronic Frontier Foundation (EFF) respectfully urges you to oppose both S.B. 2562 and H.B. 4405. By allowing for the unwarranted surveillance of any gathering of more than 100 persons, the proposed legislation presents an unacceptable threat to the essential rights to privacy, freedom to assemble, and freedom of speech. Furthermore, the bills' stated goal of allowing law enforcement to respond in times of emergency has been previously addressed through the exigent circumstance provisions within the existing Illinois Freedom from Drone Surveillance Act of 2013 (Drone Act). *See* 725 ILCS 167/15.

EFF is a non-profit, member-supported civil liberties organization based in San Francisco, California that works to protect rights in the digital world. EFF has more than 40,000 members and donors across the country.

Public safety is undoubtedly among the highest consideration in the adoption of new legislation, and in the review of existing laws. The Drone Act already fully addresses public safety. Specifically, this important legislation provides for the responsible use of drones by law enforcement, even without a warrant, where:

- The United States Secretary of Homeland Security determines there is a credible risk of terrorist attack;
- Where a law enforcement agency possesses reasonable suspicion that swift action is needed to prevent imminent harm to life or to forestall a suspect's escape or the destruction of evidence;
- To locate a missing person; or
- In times of potential disaster or public health emergency.

In considering the appropriate use of powerful surveillance technology like drones, we must also consider the likelihood of a given tool to burden privacy and chill free speech.

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Drones are capable of highly advanced and almost constant surveillance. By design, they amass large amounts of data. They are capable of carrying wide assortments of tools including live-feed video cameras, infrared cameras, and heat sensors. Each of these tools presents its own unique set of threats to privacy and speech. Now, perhaps more than ever, the critical right of Americans to assemble and raise their voices must be supported. For many, particularly members of already marginalized communities, the fear of constant monitoring via the use of drones during political demonstrations can greatly diminish the likelihood of engagement in First Amendment activities.

For these reasons, EFF must oppose these bills and urge legislators to vote against their passage. The existing Freedom from Drone Surveillance Act properly balances privacy and assembly with public safety.

Very truly yours,

Nathan Sheard
Grassroots Advocacy Organizer

cc: Sen. Martin A. Sandoval, Rep. John C, D'Amico, Rep. Grant Wehril, Rep. Anthony DeLuca, Rep. Martin J. Moylan, Rep. Robert Rita, Rep. John M. Cabello, Rep. Lawrence Walsh, Jr.