



Rep. Curtis J. Tarver, II

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10400HB4262ham001

LRB104 16636 JRC 35565 a

1 AMENDMENT TO HOUSE BILL 4262

2 AMENDMENT NO. _____. Amend House Bill 4262 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Protecting Children from Hidden Cameras Act.

6 Section 5. Definitions. As used in this Act:

7 "Child" means an unemancipated individual who is less than
8 18 years of age.

9 "Consent" means affirmative, conscious, and voluntary
10 authorization by an individual with legal capacity to give
11 authorization.

12 "Hidden camera" means a miniature or disguised recording
13 device that can record or film a person while that person has
14 no awareness that the device is present or being used.

15 "Hotel" means any building or buildings in which the
16 public may, for a consideration, obtain living quarters,

1 sleeping accommodations, or housekeeping accommodations. The
2 term includes inns, motels, tourist homes or courts, lodging
3 houses, rooming houses, apartment houses, retreat centers,
4 conference centers, hunting lodges, and short-term rentals.

5 "Hotel guest accommodations" means living quarters,
6 sleeping accommodations, housekeeping accommodations, or
7 private rooms or suites rented or occupied by a guest within a
8 hotel, motel, or similar establishment that are intended for
9 the private use of guests. The term includes restrooms located
10 within or serving those accommodations. The term does not
11 include stairwells, corridors, laundry facilities, employee
12 areas, or other areas open to the general public in which there
13 is no reasonable expectation of privacy.

14 "Live video" means any real time or contemporaneous
15 electronic or digital transmission of a still or moving visual
16 image.

17 "Residence" includes a rental dwelling, but does not
18 include stairwells, corridors, laundry facilities, or
19 additional areas in which the general public has access.

20 "Video record" means any videotape, photograph, film, or
21 other electronic or digital recording of a still or moving
22 visual image.

23 Section 10. Civil action.

24 (a) A cause of action is created for a child or the parent
25 or guardian of the child on behalf of the child if a person or

1 entity knowingly makes or transmits a video record of the
2 child using a concealed or disguised recording device, or
3 otherwise in a manner intended to avoid detection, without the
4 consent of the child's parent or guardian in any of the
5 following locations:

6 (1) a restroom, tanning bed, tanning salon, locker
7 room, changing room, or hotel guest accommodations.

8 (2) a residence in which the child does not reside, in
9 an area or place within that residence in which a person
10 would reasonably expect privacy.

11 (b) This Section does not apply to any of the following:

12 (1) A parent or legal guardian of the child who is the
13 subject of the recording unless the parent's or legal
14 guardian's action is prohibited by a law other than this
15 Act.

16 (2) A recording made by law enforcement in the lawful
17 performance of official duties.

18 (3) A recording made in good faith in the reporting of
19 unlawful conduct.

20 Section 15. Violation of Act is per se harmful. A child who
21 proves by a preponderance of the evidence that a defendant
22 violated this Act against the child is considered obviously
23 and materially harmful to the child and is deemed to be per se
24 harmful and traumatic. A child does not need to present
25 additional evidence to prove the child was harmed, but the

1 child may present additional evidence to show the extent of
2 the harm. Nothing in this Section may be construed to state
3 that a child discovered the cause of action at any particular
4 time, or that a child realized that the child's damages were
5 related to the violation of this Act at any particular time.

6 Section 20. Privacy of children.

7 (a) In an action under this Act:

8 (1) a plaintiff may proceed by using a pseudonym in
9 place of the true name of the plaintiff under Section
10 2-401 of the Code of Civil Procedure; and

11 (2) the court may exclude or redact from all pleadings
12 and documents filed in the action other identifying
13 characteristics of the plaintiff.

14 (b) If a plaintiff uses a pseudonym as provided in this
15 Section, the plaintiff must file with the court and serve on
16 the defendant a confidential information form that includes
17 the excluded or redacted plaintiff's name and other
18 identifying characteristics.

19 (c) The court may make further orders as necessary to
20 protect the identity and privacy of a plaintiff.

21 (d) If a plaintiff is granted privacy protections under
22 this Section, a defendant may file a motion with the court to
23 receive the same privacy protections. The court may deny or
24 grant the motion at its discretion.

1 Section 25. Remedies.

2 (a) In an action under this Act, a prevailing plaintiff
3 may recover:

4 (1) economic and noneconomic damages proximately
5 caused by the defendant's violation of this Act,
6 including, but not limited to, damages for emotional
7 distress whether or not accompanied by other damages;

8 (2) punitive damages; and

9 (3) reasonable attorney's fees and costs to the
10 prevailing plaintiff.

11 (b) This Act does not affect or limit a right or remedy
12 available under any other law of this State.

13 Section 30. Statute of limitations.

14 (a) An action under this Act may not be brought later than
15 2 years from the date the cause of action was discovered or
16 should have been discovered with the exercise of reasonable
17 diligence.

18 (b) Except as otherwise provided in subsection (c), this
19 Section is subject to the tolling statutes of this State.

20 (c) If a cause of action accrues for a violation of this
21 Act against a child, the time specified in subsection (a) of
22 this Section does not begin to run until the child becomes
23 emancipated or attains the age of majority.

24 Section 35. Inspections for hidden cameras. If a State

1 agency or unit of local government is required by law or
2 ordinance to inspect a restroom, tanning bed, tanning salon,
3 locker room, changing room, or hotel guest accommodations, the
4 State agency or unit of local government must also inspect for
5 hidden cameras.

6 If a hidden camera is discovered during an inspection
7 conducted by a State agency or unit of local government, the
8 State agency or unit of local government must immediately
9 notify the appropriate law enforcement agency.

10 If a hidden camera is discovered outside of an inspection
11 conducted by a State agency or unit of local government, the
12 person or entity discovering the device must immediately
13 notify the appropriate law enforcement agency and preserve any
14 reasonably available evidence relating to the device until
15 collected by law enforcement or otherwise directed by law
16 enforcement.

17 Section 97. Applicability. This Act applies to causes of
18 action accruing on or after the effective date of this Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".