



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4038

Introduced 2/6/2026, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 2012. Modifies the offense of unauthorized video recording and live video transmission to also include unauthorized photographing. Provides that it is unlawful for any person to knowingly make a video record or transmit live video of or photograph another person in a courtroom or any location inside of a State courthouse without that person's consent or judicial authorization. Provides that a violation is a Class 4 felony or a Class 3 felony if the victim is a person who is a victim or witness in a criminal case and is present in court in his or her capacity as a victim or witness. Provides that it is unlawful for any person to place or cause to be placed a device that makes a video record or transmits live video or photographs another person in a courtroom or any location inside of a State courthouse without that person's consent or judicial authorization. Provides that a violation is a Class A misdemeanor. Defines "courthouse".

LRB104 19814 RLC 33264 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 26-4 as follows:

6 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

7 Sec. 26-4. Unauthorized video recording, ~~and~~ live video
8 transmission, and photographing.

9 (a) It is unlawful for any person to knowingly make a video
10 record or transmit live video of or photograph another person
11 without that person's consent in a restroom, tanning bed,
12 tanning salon, locker room, changing room, or hotel bedroom.

13 (a-4) It is unlawful for any person to knowingly make a
14 video record or transmit live video of or photograph another
15 person in a courtroom or any location inside of a State
16 courthouse without that person's consent or judicial
17 authorization.

18 (a-5) It is unlawful for any person to knowingly make a
19 video record or transmit live video or photograph of another
20 person in that other person's residence without that person's
21 consent.

22 (a-6) It is unlawful for any person to knowingly make a
23 video record or transmit live video of or photograph another

1 person in that other person's residence without that person's
2 consent when the recording or transmission or photograph is
3 taken or made outside that person's residence by use of an
4 audio or video device that records or transmits from a remote
5 location.

6 (a-10) It is unlawful for any person to knowingly make a
7 video record or transmit live video of or photograph another
8 person's intimate parts for the purpose of viewing the body of
9 or the undergarments worn by that other person without that
10 person's consent. For the purposes of this subsection (a-10),
11 "intimate parts" means the fully unclothed, partially
12 unclothed, or transparently clothed genitals, pubic area,
13 anus, or if the person is female, a partially or fully exposed
14 nipple, including exposure through transparent clothing.

15 (a-15) It is unlawful for any person to place or cause to
16 be placed a device that makes a video record or transmits a
17 live video or photographs another person in a restroom,
18 tanning bed, tanning salon, locker room, changing room, or
19 hotel bedroom with the intent to make a video record or
20 transmit live video of another person without that person's
21 consent.

22 (a-16) It is unlawful for any person to place or cause to
23 be placed a device that makes a video record or transmits live
24 video or photographs another person in a courtroom or any
25 location inside of a State courthouse without that person's
26 consent or judicial authorization.

1 (a-20) It is unlawful for any person to place or cause to
2 be placed a device that makes a video record or transmits a
3 live video or photographs another person with the intent to
4 make a video record or transmit live video of or photograph
5 another person in that other person's residence without that
6 person's consent.

7 (a-25) It is unlawful for any person to, by any means,
8 knowingly disseminate, or permit to be disseminated, a video
9 record or live video or photograph that he or she knows to have
10 been made or transmitted in violation of (a), (a-4), (a-5),
11 (a-6), (a-10), (a-15), (a-16), or (a-20).

12 (b) Exemptions. The following activities shall be exempt
13 from the provisions of this Section:

14 (1) The making of a video record or transmission of
15 live video or photograph by law enforcement officers
16 pursuant to a criminal investigation, which is otherwise
17 lawful;

18 (2) The making of a video record or transmission of
19 live video by or photograph correctional officials for
20 security reasons or for investigation of alleged
21 misconduct involving a person committed to the Department
22 of Corrections; and

23 (3) The making of a video record or transmission of
24 live video or photograph in a locker room by a reporter or
25 news medium, as those terms are defined in Section 8-902
26 of the Code of Civil Procedure, where the reporter or news

1 medium has been granted access to the locker room by an
2 appropriate authority for the purpose of conducting
3 interviews.

4 (c) The provisions of this Section do not apply to any
5 sound recording or transmission of an oral conversation made
6 as the result of the making of a video record or transmission
7 of live video, and to which Article 14 of this Code applies.

8 (d) Sentence.

9 (1) A violation of subsection (a-15), (a-16), or
10 (a-20) is a Class A misdemeanor.

11 (2) A violation of subsection (a), (a-4), (a-5),
12 (a-6), or (a-10) is a Class 4 felony.

13 (3) A violation of subsection (a-25) is a Class 3
14 felony.

15 (4) A violation of subsection (a), (a-5), (a-6),
16 (a-10), (a-15) or (a-20) is a Class 3 felony if the victim
17 is a person under 18 years of age or if the violation is
18 committed by an individual who is required to register as
19 a sex offender under the Sex Offender Registration Act.

20 (4.1) A violation of subsection (a-4) is a Class 3
21 felony if the victim is a person who is a victim or witness
22 in a criminal case and is present in court in his or her
23 capacity as a victim or witness.

24 (5) A violation of subsection (a-25) is a Class 2
25 felony if the victim is a person under 18 years of age or
26 if the violation is committed by an individual who is

1 required to register as a sex offender under the Sex
2 Offender Registration Act.

3 (e) For purposes of this Section:

4 (0.05) "Courthouse" includes any local, county, or
5 State facility where court proceedings are held and court
6 functions occur.

7 (1) "Residence" includes a rental dwelling, but does
8 not include stairwells, corridors, laundry facilities, or
9 additional areas in which the general public has access.

10 (2) "Video record" means and includes any videotape,
11 photograph, film, or other electronic or digital recording
12 of a still or moving visual image; and "live video" means
13 and includes any real-time or contemporaneous electronic
14 or digital transmission of a still or moving visual image.

15 (Source: P.A. 102-567, eff. 1-1-22.)