

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.

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

13 (a-4) It is unlawful for any person to knowingly make a
14 video record, transmit live video of, or place or cause to be
15 placed a device that makes a video record or transmits live
16 video of another person whom the person knows to be a victim or
17 witness in any location inside of a State courthouse without
18 that person's consent or consent of the presiding judge, or
19 consent of an entity responsible for providing law enforcement
20 or security for a courthouse, provided that consent is
21 consistent with any order issued by the Supreme Court or the
22 presiding judge. An individual's consent to be recorded does
23 not supersede a judicial order prohibiting video recording.

1 This subsection does not apply to video captured by the
2 courthouse security cameras or body cameras worn by law
3 enforcement officers. Nothing in this subsection shall be
4 construed to circumvent the provisions of the Open Meetings
5 Act.

6 (a-5) It is unlawful for any person to knowingly make a
7 video record or transmit live video of another person in that
8 other person's residence without that person's consent.

9 (a-6) It is unlawful for any person to knowingly make a
10 video record or transmit live video of another person in that
11 other person's residence without that person's consent when
12 the recording or transmission is taken or made outside that
13 person's residence by use of an audio or video device that
14 records or transmits from a remote location.

15 (a-10) It is unlawful for any person to knowingly make a
16 video record or transmit live video of another person's
17 intimate parts for the purpose of viewing the body of or the
18 undergarments worn by that other person without that person's
19 consent. For the purposes of this subsection (a-10), "intimate
20 parts" means the fully unclothed, partially unclothed, or
21 transparently clothed genitals, pubic area, anus, or if the
22 person is female, a partially or fully exposed nipple,
23 including exposure through transparent clothing.

24 (a-15) It is unlawful for any person to place or cause to
25 be placed a device that makes a video record or transmits a
26 live video in a restroom, tanning bed, tanning salon, locker

1 room, changing room, or hotel bedroom with the intent to make a
2 video record or transmit live video of another person without
3 that person's consent.

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

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

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

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

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

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

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

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

7 (d) Sentence.

8 (1) A violation of subsection (a-15), (a-4), or (a-20)
9 is a Class A misdemeanor.

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

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

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

19 (5) A violation of subsection (a-25) is a Class 2
20 felony if the victim is a person under 18 years of age or
21 if the violation is committed by an individual who is
22 required to register as a sex offender under the Sex
23 Offender Registration Act.

24 (e) For purposes of this Section:

25 (0.05) "Courthouse" includes any local, county, or
26 State facility where court proceedings are held and court

1 functions occur.

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

5 (2) "Video record" means and includes any videotape,
6 photograph, film, or other electronic or digital recording
7 of a still or moving visual image; and "live video" means
8 and includes any real-time or contemporaneous electronic
9 or digital transmission of a still or moving visual image.

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