



Sen. Laura M. Murphy

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10400SB4038sam003

LRB104 19814 RLC 37337 a

1 AMENDMENT TO SENATE BILL 4038

2 AMENDMENT NO. _____. Amend Senate Bill 4038 by replacing
3 everything after the enacting clause with the following:

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

1 witness in any location inside of a State courthouse without
2 that person's consent or consent of the presiding judge, or
3 consent of an entity responsible for providing law enforcement
4 or security for a courthouse, provided that consent is
5 consistent with any order issued by the Supreme Court or the
6 presiding judge. An individual's consent to be recorded does
7 not supersede a judicial order prohibiting video recording.
8 This subsection does not apply to video captured by the
9 courthouse security cameras or body cameras worn by law
10 enforcement officers. Nothing in this subsection shall be
11 construed to circumvent the provisions of the Open Meetings
12 Act.

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

16 (a-6) It is unlawful for any person to knowingly make a
17 video record or transmit live video of another person in that
18 other person's residence without that person's consent when
19 the recording or transmission is taken or made outside that
20 person's residence by use of an audio or video device that
21 records or transmits from a remote location.

22 (a-10) It is unlawful for any person to knowingly make a
23 video record or transmit live video of another person's
24 intimate parts for the purpose of viewing the body of or the
25 undergarments worn by that other person without that person's
26 consent. For the purposes of this subsection (a-10), "intimate

1 parts" means the fully unclothed, partially unclothed, or
2 transparently clothed genitals, pubic area, anus, or if the
3 person is female, a partially or fully exposed nipple,
4 including exposure through transparent clothing.

5 (a-15) It is unlawful for any person to place or cause to
6 be placed a device that makes a video record or transmits a
7 live video in a restroom, tanning bed, tanning salon, locker
8 room, changing room, or hotel bedroom with the intent to make a
9 video record or transmit live video of another person without
10 that person's consent.

11 (a-20) It is unlawful for any person to place or cause to
12 be placed a device that makes a video record or transmits a
13 live video with the intent to make a video record or transmit
14 live video of another person in that other person's residence
15 without that person's consent.

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

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

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

26 (2) The making of a video record or transmission of

1 live video by correctional officials for security reasons
2 or for investigation of alleged misconduct involving a
3 person committed to the Department of Corrections; and

4 (3) The making of a video record or transmission of
5 live video in a locker room by a reporter or news medium,
6 as those terms are defined in Section 8-902 of the Code of
7 Civil Procedure, where the reporter or news medium has
8 been granted access to the locker room by an appropriate
9 authority for the purpose of conducting interviews.

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

14 (d) Sentence.

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

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

19 (3) A violation of subsection (a-25) is a Class 3
20 felony.

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

26 (5) A violation of subsection (a-25) is a Class 2

1 felony if the victim is a person under 18 years of age or
2 if the violation is committed by an individual who is
3 required to register as a sex offender under the Sex
4 Offender Registration Act.

5 (e) For purposes of this Section:

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

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

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

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