

1 AN ACT in relation to 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 1961 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 videotaping.

8 (a) It is unlawful for any person to knowingly
9 videotape, photograph, or film another person without that
10 person's consent in a restroom, tanning bed, tanning salon,
11 locker room, changing room, or hotel bedroom.

12 (a-5) It is unlawful for any person to knowingly and
13 secretly videotape, photograph, or film another person in the
14 other person's residence without that person's consent.

15 (a-10) It is unlawful for any person, using a concealed
16 camcorder or photographic camera of any type, to knowingly
17 and secretly videotape, photograph, or record by electronic
18 means, another person under or through the clothing worn by
19 that other person for the purpose of viewing the body of or
20 the undergarments worn by that other person without that
21 person's consent.

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

24 (1) Videotaping, photographing, and filming by law
25 enforcement officers pursuant to a criminal
26 investigation, which is otherwise lawful;

27 (2) Videotaping, photographing, and filming by
28 correctional officials for security reasons or for
29 investigation of alleged misconduct involving a person
30 committed to the Department of Corrections; i-

31 (3) Videotaping, photographing, and filming by

1 representatives of a news medium as defined in Section
2 8-902 of the Code of Civil Procedure for the purpose of
3 newsgathering.

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

8 (d) Sentence.

9 (1) A violation of subsection (a), (a-5), or (a-10)
10 is a Class A misdemeanor.

11 (2) A person who, by any means, knowingly
12 disseminates or permits the dissemination to another
13 person of a videotape, photograph, or film in violation
14 of subsection (a), (a-5), or (a-10) is guilty of a Class
15 4 felony.

16 (Source: P.A. 91-910, eff. 1-1-01; 92-86, eff. 7-12-01.)

17 Section 99. Effective date. This Act takes effect July
18 1, 2003.