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LRB093 18369 RLC 47547 a

1 AMENDMENT TO SENATE BILL 3130

2 AMENDMENT NO. _____. Amend Senate Bill 3130 by replacing
3 everything after the enacting clause with the following:

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 electronic recording or
8 surveillance ~~videotaping~~.

9 (a) It is unlawful for any person to knowingly
10 electronically record, electronically surveil, videotape,
11 photograph, or film another person without that person's
12 consent in a restroom, tanning bed, tanning salon, locker room,
13 changing room, dormitory room or suite, ~~or~~ hotel guestroom, or
14 other private place ~~bedroom~~.

15 (a-5) It is unlawful for any person to knowingly and
16 secretly electronically record, electronically surveil,
17 videotape, photograph, or film another person in the other
18 person's residence without that person's consent.

19 (a-10) It is unlawful for any person, using a concealed
20 camcorder, ~~or~~ photographic camera, or electronic video
21 surveillance device of any type, to knowingly and secretly
22 videotape, photograph, film, or record by electronic means,
23 another person under or through the clothing worn by that other
24 person for the purpose of viewing the body of or the

1 undergarments worn by that other person without that person's
2 consent.

3 (a-15) It is unlawful for any person to place or cause to
4 be placed an electronic video surveillance device in a
5 restroom, tanning bed, tanning salon, locker room, changing
6 room, dormitory room or suite, hotel guestroom, or any other
7 private place with the intent to electronically record,
8 electronically surveil, videotape, photograph, or film another
9 person without that person's consent.

10 (a-20) It is unlawful for any person to place or cause to
11 be placed an electronic video surveillance device in another
12 person's residence without that person's consent with the
13 intent to secretly electronically record, electronically
14 surveil, videotape, photograph, or film another person without
15 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, an
18 electronic recording, video image, videotape, photograph, or
19 film that he or she knows to have been produced in violation of
20 (a), (a-5), (a-10), (a-15), or (a-20).

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

23 (1) Electronically recording, electronically
24 surveilling, videotaping ~~Videotaping~~, photographing, and
25 filming by law enforcement officers pursuant to a criminal
26 investigation, which is otherwise lawful;

27 (2) Electronically recording, electronically
28 surveilling, videotaping ~~Videotaping~~, photographing, and
29 filming by correctional officials for security reasons or
30 for investigation of alleged misconduct involving a person
31 committed to the Department of Corrections.

32 (c) The provisions of this Section do not apply to any
33 sound recording of an oral conversation made as the result of
34 the videotaping or filming, and to which Article 14 of this

1 Code applies.

2 (c-5) Definitions. In this Section:

3 (1) "Private place" means a place where one has a
4 reasonable expectation of privacy. "Private place"
5 includes a place where a person may reasonably expect to be
6 safe from casual or hostile intrusion or surveillance. The
7 expectation of privacy explicitly extends to one's own
8 dwelling or home.

9 (2) "Electronic video surveillance device" means any
10 device or apparatus that can be used to record, capture, or
11 display still or moving visual images.

12 (3) "Surveil" means to secretly visually observe the
13 activities of another person for the purpose of spying upon
14 and invading upon the privacy of the person observed.

15 (d) Sentence.

16 (1) A violation of subsection (a), (a-5), ~~or (a-10),~~
17 (a-15), or (a-20) is a Class 4 felony ~~A misdemeanor.~~

18 (2) A violation of subsection (a), (a-5), (a-10),
19 (a-15), or (a-20) is a Class 3 felony if the victim is a
20 person under 18 years of age.

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

25 (4) A violation of subsection (a), (a-5), (a-10),
26 (a-15), or (a-20) is a Class 2 felony if the victim is
27 under 18 years of age and the violation is committed by an
28 individual who is required to register as a sex offender
29 under the Sex Offender Registration Act.

30 (5) A violation of subsection (a-25) is a Class 3
31 felony.

32 (6) A violation of subsection (a-25) is a Class 2
33 felony if the victim is a person under 18 years of age. ~~(2)~~
34 ~~A person who, by any means, knowingly disseminates or~~

1 ~~permits the dissemination to another person of a videotape,~~
2 ~~photograph, or film in violation of subsection (a), (a-5),~~
3 ~~or (a-10) is guilty of a Class 4 felony.~~

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