



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1560

Introduced 2/14/2005, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961. Provides that the penalties for the offense of unauthorized recording and live video transmission are one class higher than the various penalties prescribed for the offense if the defendant's intent in committing the violation was to promote a prurient interest in sex. Provides that it is unlawful for any person to knowingly make a video record or transmit live video of another person in a residence or in an area where a person would have a reasonable expectation of privacy without that person's consent (rather than in that other person's residence). Provides that placing or causing to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live video of another person without that person's consent is a Class 4 felony (rather than a Class A misdemeanor) and a Class 3 felony if the defendant's intent was to promote a prurient interest in sex. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 1961 is amended by changing
5 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-5) It is unlawful for any person to knowingly make a
14 video record or transmit live video of another person in a
15 residence or in an area where a person would have a reasonable
16 expectation of privacy ~~that other person's residence~~ without
17 that person's consent.

18 (a-10) It is unlawful for any person to knowingly make a
19 video record or transmit live video of another person under or
20 through the clothing worn by that other person for the purpose
21 of viewing the body of or the undergarments worn by that other
22 person without that person's consent.

23 (a-15) It is unlawful for any person to place or cause to
24 be placed a device that makes a video record or transmits a
25 live video in a restroom, tanning bed, tanning salon, locker
26 room, changing room, or hotel bedroom with the intent to make a
27 video record or transmit live video of another person without
28 that person's consent.

29 (a-20) It is unlawful for any person to place or cause to
30 be placed a device that makes a video record or transmits a
31 live video with the intent to make a video record or transmit
32 live video of another person in that other person's residence

1 without that person's consent.

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

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

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

12 (2) The making of a video record or transmission of
13 live video by correctional officials for security reasons
14 or for investigation of alleged misconduct involving a
15 person committed to the Department of Corrections.

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

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

26 (d) Sentence.

27 (1) A violation of subsection (a), (a-10), ~~(a-15)~~, or
28 (a-20) is a Class A misdemeanor. A violation of subsection
29 (a), (a-10), or (a-20) is a Class 4 felony if the
30 defendant's intent in committing the violation was to
31 promote a prurient interest in sex.

32 (1.5) A violation of subsection (a-15) is a Class 4
33 felony. A violation of subsection (a-15) is a Class 3
34 felony if the defendant's intent in committing the
35 violation was to promote a prurient interest in sex.

36 (2) A violation of subsection (a-5) is a Class 4

1 felony. A violation of subsection (a-5) is a Class 3 felony
2 if the defendant's intent in committing the violation was
3 to promote a prurient interest in sex.

4 (3) A violation of subsection (a-25) is a Class 3
5 felony. A violation of subsection (a-25) is a Class 2
6 felony if the defendant's intent in committing the
7 violation was to promote a prurient interest in sex.

8 (4) A violation of subsection (a), (a-5), (a-10),
9 (a-15) or (a-20) is a Class 3 felony if the victim is a
10 person under 18 years of age or if the violation is
11 committed by an individual who is required to register as a
12 sex offender under the Sex Offender Registration Act. A
13 violation of subsection (a), (a-5), (a-10), (a-15) or
14 (a-20) is a Class 2 felony if the defendant's intent in
15 committing the violation was to promote a prurient interest
16 in sex and if the victim is a person under 18 years of age
17 or if the violation is committed by an individual who is
18 required to register as a sex offender under the Sex
19 Offender Registration Act.

20 (5) A violation of subsection (a-25) is a Class 2
21 felony if the victim is a person under 18 years of age or
22 if the violation is committed by an individual who is
23 required to register as a sex offender under the Sex
24 Offender Registration Act. A violation of subsection
25 (a-25) is a Class 1 felony if the defendant's intent in
26 committing the violation was to promote a prurient interest
27 in sex and if the victim is a person under 18 years of age
28 or if the violation is committed by an individual who is
29 required to register as a sex offender under the Sex
30 Offender Registration Act.

31 (e) For purposes of this Section, "video record" means and
32 includes any videotape, photograph, film, or other electronic
33 or digital recording of a still or moving visual image; and
34 "live video" means and includes any real-time or
35 contemporaneous electronic or digital transmission of a still
36 or moving visual image.

1 (Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.