

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.