

HB4917



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4917

Introduced 1/19/2006, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-1

from Ch. 38, par. 14-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning eavesdropping.

LRB094 17881 RLC 53184 b

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 14-1 as follows:

6 (720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

7 Sec. 14-1. Definition.

8 (a) Eavesdropping device.

9 An eavesdropping device is any device capable of being used
10 to hear or record oral conversation or intercept, retain, or
11 transcribe electronic communications whether such conversation
12 or electronic communication is conducted in person, by
13 telephone, or by any other means; Provided, however, that ~~that~~
14 this definition shall not include devices used for the
15 restoration of the deaf or hard-of-hearing to normal or partial
16 hearing.

17 (b) Eavesdropper.

18 An eavesdropper is any person, including law enforcement
19 officers, who is a principal, as defined in this Article, or
20 who operates or participates in the operation of any
21 eavesdropping device contrary to the provisions of this
22 Article.

23 (c) Principal.

24 A principal is any person who:

25 (1) Knowingly employs another who illegally uses an
26 eavesdropping device in the course of such employment; or

27 (2) Knowingly derives any benefit or information from
28 the illegal use of an eavesdropping device by another; or

29 (3) Directs another to use an eavesdropping device
30 illegally on his behalf.

31 (d) Conversation.

32 For the purposes of this Article, the term conversation

1 means any oral communication between 2 or more persons
2 regardless of whether one or more of the parties intended their
3 communication to be of a private nature under circumstances
4 justifying that expectation.

5 (e) Electronic communication.

6 For purposes of this Article, the term electronic
7 communication means any transfer of signs, signals, writing,
8 images, sounds, data, or intelligence of any nature transmitted
9 in whole or part by a wire, radio, pager, computer,
10 electromagnetic, photo electronic or photo optical system,
11 where the sending and receiving parties intend the electronic
12 communication to be private and the interception, recording, or
13 transcription of the electronic communication is accomplished
14 by a device in a surreptitious manner contrary to the
15 provisions of this Article. Electronic communication does not
16 include any communication from a tracking device.

17 (Source: P.A. 91-657, eff. 1-1-00.)