



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1147**

Introduced 2/18/2005, by Sen. John J. Cullerton - Emil Jones, Jr.

**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 04841 RLC 34870 b

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.)