



Rep. Mike Smiddy

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09800HB2971ham001

LRB098 08170 RLC 44454 a

1 AMENDMENT TO HOUSE BILL 2971

2 AMENDMENT NO. _____. Amend House Bill 2971 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 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 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 residential dwelling ~~that other person's residence~~ without
16 that person's consent.

1 (a-6) It is unlawful for any person to knowingly make a
2 video record or transmit live video of another person in a
3 residential dwelling ~~that other person's residence~~ without
4 that person's consent when the recording or transmission is
5 made outside a residential dwelling ~~that person's residence~~ by
6 use of an audio or video device that records or transmits from
7 a remote location.

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

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

19 (a-20) It is unlawful for any person to place or cause to
20 be placed a device that makes a video record or transmits a
21 live video with the intent to make a video record or transmit
22 live video of another person in a residential dwelling ~~that~~
23 ~~other person's residence~~ without that person's consent.

24 (a-25) It is unlawful for any person to, by any means,
25 knowingly disseminate, or permit to be disseminated, a video
26 record or live video that he or she knows to have been made or

1 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),
2 or (a-20).

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

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

8 (2) The making of a video record or transmission of
9 live video by correctional officials for security reasons
10 or for investigation of alleged misconduct involving a
11 person committed to the Department of Corrections; and

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

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

22 (d) Sentence.

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

25 (2) A violation of subsection (a), (a-5), or (a-6) is a
26 Class 3 ~~4~~ felony.

1 (3) A violation of subsection (a-25) is a Class 2 ~~3~~
2 felony.

3 (4) A violation of subsection (a), (a-5), (a-6),
4 (a-10), (a-15) or (a-20) is a Class 2 ~~3~~ felony if the
5 victim is a person under 18 years of age or if the
6 violation is committed by an individual who is required to
7 register as a sex offender under the Sex Offender
8 Registration Act.

9 (5) A violation of subsection (a-25) is a Class 1 ~~2~~
10 felony if the victim is a person under 18 years of age or
11 if the violation is committed by an individual who is
12 required to register as a sex offender under the Sex
13 Offender Registration Act.

14 (e) For purposes of this Section:

15 (1) "Residential dwelling" ~~"Residence"~~ includes a
16 rental dwelling, but does not include stairwells,
17 corridors, laundry facilities, or additional areas in
18 which the general public has access.

19 (2) "Video record" means and includes any videotape,
20 photograph, film, or other electronic or digital recording
21 of a still or moving visual image; and "live video" means
22 and includes any real-time or contemporaneous electronic
23 or digital transmission of a still or moving visual image.

24 (Source: P.A. 96-416, eff. 1-1-10; 97-813, eff. 7-13-12.)".