



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1349

Introduced 2/4/2015, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-1

from Ch. 38, par. 14-1

Amends the Criminal Code of 2012 concerning eavesdropping. In the definition of "private conversation", provides that an on-duty law enforcement officer shall have no reasonable expectation of privacy while engaged in the performance of his or her duties.

LRB099 06168 RLC 26226 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 2012 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. Definitions.

8 (a) Eavesdropping device.

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

16 (b) Eavesdropper.

17 An eavesdropper is any person, including any law
18 enforcement officer and any party to a private conversation,
19 who operates or participates in the operation of any
20 eavesdropping device contrary to the provisions of this Article
21 or who acts as a principal, as defined in this Article.

22 (c) Principal.

23 A principal is any person who:

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

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

5 (3) Directs another to use an eavesdropping device
6 illegally on his or her behalf.

7 (d) Private conversation.

8 For the purposes of this Article, "private conversation"
9 means any oral communication between 2 or more persons, whether
10 in person or transmitted between the parties by wire or other
11 means, when one or more of the parties intended the
12 communication to be of a private nature under circumstances
13 reasonably justifying that expectation. A reasonable
14 expectation shall include any expectation recognized by law,
15 including, but not limited to, an expectation derived from a
16 privilege, immunity, or right established by common law,
17 Supreme Court rule, or the Illinois or United States
18 Constitution. An on-duty law enforcement officer shall have no
19 reasonable expectation of privacy while engaged in the
20 performance of his or her duties.

21 (e) Private electronic communication.

22 For purposes of this Article, "private electronic
23 communication" means any transfer of signs, signals, writing,
24 images, sounds, data, or intelligence of any nature transmitted
25 in whole or part by a wire, radio, pager, computer,
26 electromagnetic, photo electronic or photo optical system,

1 when the sending or receiving party intends the electronic
2 communication to be private under circumstances reasonably
3 justifying that expectation. A reasonable expectation shall
4 include any expectation recognized by law, including, but not
5 limited to, an expectation derived from a privilege, immunity,
6 or right established by common law, Supreme Court rule, or the
7 Illinois or United States Constitution. Electronic
8 communication does not include any communication from a
9 tracking device.

10 (f) Bait car.

11 For purposes of this Article, "bait car" means any motor
12 vehicle that is not occupied by a law enforcement officer and
13 is used by a law enforcement agency to deter, detect, identify,
14 and assist in the apprehension of an auto theft suspect in the
15 act of stealing a motor vehicle.

16 (g) Surreptitious.

17 For purposes of this Article, "surreptitious" means
18 obtained or made by stealth or deception, or executed through
19 secrecy or concealment.

20 (Source: P.A. 98-1142, eff. 12-30-14.)