



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

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 the definition Section of the Eavesdropping Article.

LRB093 17141 RLC 42807 b

1 AN ACT in relation to 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. Definitions ~~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 this
14 definition shall not include devices used for the restoration
15 of the deaf or hard-of-hearing to normal or partial hearing.

16 (b) Eavesdropper.

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

22 (c) Principal.

23 A principal is any person who:

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

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

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

30 (d) Conversation.

31 For the purposes of this Article, the term conversation
32 means any oral communication between 2 or more persons

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

4 (e) Electronic communication.

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

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