



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4173

Introduced 2/27/2009, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961. Provides that it is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent when the recording or transmission is made outside that person's residence by use of an audio or video device that records or transmits from a remote location. Establishes penalties and exemptions.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 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 that
15 other person's residence without that person's consent.

16 (a-6) It is unlawful for any person to knowingly make a
17 video record or transmit live video of another person in that
18 other person's residence without that person's consent when the
19 recording or transmission is made outside that person's
20 residence by use of an audio or video device that records or
21 transmits from a remote location.

22 (a-10) It is unlawful for any person to knowingly make a
23 video record or transmit live video of another person under or

1 through the clothing worn by that other person for the purpose
2 of viewing the body of or the undergarments worn by that other
3 person without that person's consent.

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

10 (a-20) It is unlawful for any person to place or cause to
11 be placed a device that makes a video record or transmits a
12 live video with the intent to make a video record or transmit
13 live video of another person in that other person's residence
14 without that person's consent.

15 (a-25) It is unlawful for any person to, by any means,
16 knowingly disseminate, or permit to be disseminated, a video
17 record or live video that he or she knows to have been made or
18 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),
19 or (a-20).

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

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

25 (2) The making of a video record or transmission of
26 live video by correctional officials for security reasons

1 or for investigation of alleged misconduct involving a
2 person committed to the Department of Corrections.

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

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

13 (d) Sentence.

14 (1) A violation of subsection (a-10), (a-15), or (a-20)
15 is a Class A misdemeanor.

16 (2) A violation of subsection (a), ~~or~~ (a-5), or (a-6)
17 is a Class 4 felony.

18 (3) A violation of subsection (a-25) is a Class 3
19 felony.

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

25 (5) A violation of subsection (a-25) is a Class 2
26 felony if the victim is a person under 18 years of age or

1 if the violation is committed by an individual who is
2 required to register as a sex offender under the Sex
3 Offender Registration Act.

4 (e) For purposes of this Section:

5 (1) "Residence" includes a rental dwelling, but does
6 not include stairwells, corridors, laundry facilities, or
7 additional areas in which the general public has access.

8 (2) "Video record" means and includes any videotape,
9 photograph, film, or other electronic or digital recording
10 of a still or moving visual image; and "live video" means
11 and includes any real-time or contemporaneous electronic
12 or digital transmission of a still or moving visual image.

13 (Source: P.A. 95-178, eff. 8-14-07; 95-265, eff. 1-1-08;
14 95-876, eff. 8-21-08.)