



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5566

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-24.1 new

Amends the Criminal Code of 2012. Creates the offense of invasion of intimate privacy. Provides that a person commits the offense when he or she knowing that he or she is not licensed or privileged to do so, discloses any photograph, film, videotape, recording, or any other reproduction of the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual conduct, unless that person has consented to the disclosure. Provides that a person also commits invasion of intimate privacy when he or she discloses in any manner a photograph, film, videotape, or recording of another person using a fitting room or dressing room except under the following circumstances: (1) to law enforcement officers in connection with a criminal prosecution; (2) under subpoena or court order for use in a legal proceeding; or (3) to a co-worker, manager, or supervisor acting within the scope of his or her employment. Provides that a violation is a Class 3 felony for which the person may, in addition to a sentence of imprisonment, be fined not to exceed \$30,000. Provides for an affirmative defense and civil remedies.

LRB098 18927 RLC 54074 b

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 2012 is amended by adding
5 Section 11-24.1 as follows:

6 (720 ILCS 5/11-24.1 new)

7 Sec. 11-24.1. Invasion of intimate privacy.

8 (a) As used in this Section, "disclose" means sell,
9 manufacture, give, provide, lend, trade, mail, deliver,
10 transfer, publish, distribute, circulate, disseminate,
11 present, exhibit, advertise or offer.

12 (b) A person commits invasion of intimate privacy when he
13 or she knowing that he or she is not licensed or privileged to
14 do so, discloses any photograph, film, videotape, recording, or
15 any other reproduction of the image of another person whose
16 intimate parts are exposed or who is engaged in an act of
17 sexual penetration or sexual conduct, unless that person has
18 consented to the disclosure.

19 (c) A person commits invasion of intimate privacy when he
20 or she discloses in any manner a photograph, film, videotape,
21 or recording of another person using a fitting room or dressing
22 room except under the following circumstances:

23 (1) to law enforcement officers in connection with a

1 criminal prosecution;

2 (2) under subpoena or court order for use in a legal
3 proceeding; or

4 (3) to a co-worker, manager, or supervisor acting
5 within the scope of his or her employment.

6 (d) It is an affirmative defense to a violation of this
7 Section that:

8 (1) the defendant posted or otherwise provided prior
9 notice to the person of the defendant's intent to engage in
10 the conduct specified in subsection (b); and

11 (2) the defendant acted with a lawful purpose.

12 (e) For purposes of this Section, a law enforcement
13 officer, or a corrections officer or guard in a correctional
14 facility or jail, who is engaged in the official performance of
15 his or her duties shall be deemed to be licensed or privileged
16 to make and to disclose photographs, films, videotapes,
17 recordings, or any other reproductions.

18 (f) Sentence. Invasion of intimate privacy is a Class 3
19 felony for which the person may, in addition to a sentence of
20 imprisonment, be fined not to exceed \$30,000.

21 (g) A person who, without license or privilege to do so,
22 photographs, films, videotapes, records, or otherwise
23 reproduces in any manner, the image of another person whose
24 intimate parts are exposed or who is engaged in an act of
25 sexual penetration or sexual conduct, without that person's
26 consent and under circumstances in which a reasonable person

1 would not expect to be observed, shall be liable to that
2 person, who may bring a civil action in the circuit court.

3 (h) A person who, without license or privilege to do so,
4 discloses any photograph, film, videotape, recording or any
5 other reproduction of the image of another person whose
6 intimate parts are exposed or who is engaged in an act of
7 sexual penetration or sexual conduct, without that person's
8 consent and under circumstances in which a reasonable person
9 would not expect to be observed, shall be liable to that
10 person, who may bring a civil action in the circuit court.

11 (i) The court may award:

12 (1) actual damages, but not less than liquidated
13 damages computed at the rate of \$1,000 for each violation
14 of this Section;

15 (2) punitive damages upon proof of willful or reckless
16 disregard of the law;

17 (3) reasonable attorney's fees and other litigation
18 costs reasonably incurred; and

19 (4) any other preliminary and equitable relief as the
20 court determines to be appropriate.