

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Protecting Children from Hidden Cameras Act.

6 Section 5. Definitions. As used in this Act:

7 "Child" means an unemancipated individual who is less than
8 18 years of age.

9 "Consent" means affirmative, conscious, and voluntary
10 authorization by an individual with legal capacity to give
11 authorization.

12 "Hidden camera" means a miniature or disguised recording
13 device that can record or film a person while that person has
14 no awareness that the device is present or being used.

15 "Hotel" means any building or buildings in which the
16 public may, for a consideration, obtain living quarters,
17 sleeping accommodations, or housekeeping accommodations. The
18 term includes inns, motels, tourist homes or courts, lodging
19 houses, rooming houses, apartment houses, retreat centers,
20 conference centers, hunting lodges, and short-term rentals.

21 "Hotel guest accommodations" means living quarters,
22 sleeping accommodations, housekeeping accommodations, or
23 private rooms or suites rented or occupied by a guest within a

1 hotel, motel, or similar establishment that are intended for
2 the private use of guests. The term includes restrooms located
3 within or serving those accommodations. The term does not
4 include stairwells, corridors, laundry facilities, employee
5 areas, or other areas open to the general public in which there
6 is no reasonable expectation of privacy.

7 "Live video" means any real time or contemporaneous
8 electronic or digital transmission of a still or moving visual
9 image.

10 "Residence" includes a rental dwelling, but does not
11 include stairwells, corridors, laundry facilities, or
12 additional areas in which the general public has access.

13 "Video record" means any videotape, photograph, film, or
14 other electronic or digital recording of a still or moving
15 visual image.

16 Section 10. Civil action.

17 (a) A cause of action is created for a child or the parent
18 or guardian of the child on behalf of the child if a person or
19 entity knowingly makes or transmits a video record of the
20 child using a concealed or disguised recording device, or
21 otherwise in a manner intended to avoid detection, without the
22 consent of the child's parent or guardian in any of the
23 following locations:

24 (1) A restroom, tanning bed, tanning salon, locker
25 room, changing room, or hotel guest accommodations.

1 (2) A residence in which the child does not reside, in
2 an area or place within that residence in which a person
3 would reasonably expect privacy.

4 (b) This Section does not apply to any of the following:

5 (1) A parent or legal guardian of the child who is the
6 subject of the recording unless the parent's or legal
7 guardian's action is prohibited by a law other than this
8 Act.

9 (2) A recording made by law enforcement in the lawful
10 performance of official duties.

11 (3) A recording made in good faith in the reporting of
12 unlawful conduct.

13 Section 15. Violation of Act is per se harmful. A child who
14 proves by a preponderance of the evidence that a defendant
15 violated this Act against the child is considered obviously
16 and materially harmful to the child and is deemed to be per se
17 harmful and traumatic. A child does not need to present
18 additional evidence to prove the child was harmed, but the
19 child may present additional evidence to show the extent of
20 the harm. Nothing in this Section may be construed to state
21 that a child discovered the cause of action at any particular
22 time, or that a child realized that the child's damages were
23 related to the violation of this Act at any particular time.

24 Section 20. Privacy of children.

1 (a) In an action under this Act:

2 (1) a plaintiff may proceed by using a pseudonym in
3 place of the true name of the plaintiff under Section
4 2-401 of the Code of Civil Procedure; and

5 (2) the court may exclude or redact from all pleadings
6 and documents filed in the action other identifying
7 characteristics of the plaintiff.

8 (b) If a plaintiff uses a pseudonym as provided in this
9 Section, the plaintiff must file with the court and serve on
10 the defendant a confidential information form that includes
11 the excluded or redacted plaintiff's name and other
12 identifying characteristics.

13 (c) The court may make further orders as necessary to
14 protect the identity and privacy of a plaintiff.

15 (d) If a plaintiff is granted privacy protections under
16 this Section, a defendant may file a motion with the court to
17 receive the same privacy protections. The court may deny or
18 grant the motion at its discretion.

19 Section 25. Remedies.

20 (a) In an action under this Act, a prevailing plaintiff
21 may recover:

22 (1) economic and noneconomic damages proximately
23 caused by the defendant's violation of this Act,
24 including, but not limited to, damages for emotional
25 distress whether or not accompanied by other damages;

1 (2) punitive damages; and

2 (3) reasonable attorney's fees and costs to the
3 prevailing plaintiff.

4 (b) This Act does not affect or limit a right or remedy
5 available under any other law of this State.

6 Section 30. Statute of limitations.

7 (a) An action under this Act may not be brought later than
8 2 years from the date the cause of action was discovered or
9 should have been discovered with the exercise of reasonable
10 diligence.

11 (b) Except as otherwise provided in subsection (c), this
12 Section is subject to the tolling statutes of this State.

13 (c) If a cause of action accrues for a violation of this
14 Act against a child, the time specified in subsection (a) of
15 this Section does not begin to run until the child becomes
16 emancipated or attains the age of majority.

17 Section 35. Inspections for hidden cameras. If a State
18 agency or unit of local government is required by law or
19 ordinance to inspect a restroom, tanning bed, tanning salon,
20 locker room, changing room, or hotel guest accommodations, the
21 State agency or unit of local government must also inspect for
22 hidden cameras.

23 If a hidden camera is discovered during an inspection
24 conducted by a State agency or unit of local government, the

1 State agency or unit of local government must immediately
2 notify the appropriate law enforcement agency.

3 If a hidden camera is discovered outside of an inspection
4 conducted by a State agency or unit of local government, the
5 person or entity discovering the device must immediately
6 notify the appropriate law enforcement agency and preserve any
7 reasonably available evidence relating to the device until
8 collected by law enforcement or otherwise directed by law
9 enforcement.

10 Section 97. Applicability. This Act applies to causes of
11 action accruing on or after the effective date of this Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.