



Sen. Laura M. Murphy

Filed: 4/8/2026

10400SB4038sam001

LRB104 19814 RLC 36220 a

1 AMENDMENT TO SENATE BILL 4038

2 AMENDMENT NO. _____. Amend Senate Bill 4038 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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, and photographing.

9 (a) It is unlawful for any person to knowingly make a video
10 record or transmit live video of or photograph another person
11 without that person's consent in a restroom, tanning bed,
12 tanning salon, locker room, changing room, or hotel bedroom.

13 (a-4) It is unlawful for any person to knowingly make a
14 video record, transmit live video of, photograph, or place or
15 cause to be placed a device that makes a video record or
16 transmits live video or photographs of another person whom the

1 person knows to be a victim or witness in any location inside
2 of a State courthouse without that person's consent or
3 judicial authorization. An individual's consent to be
4 photographed or recorded does not supersede a judicial order
5 prohibiting photography or video recording. This subsection
6 does not apply to photography or video captured by the
7 courthouse security cameras or body cameras worn by law
8 enforcement officers. Nothing in this subsection shall be
9 construed to circumvent the provisions of the Open Meetings
10 Act.

11 (a-5) It is unlawful for any person to knowingly make a
12 video record or transmit live video of or photograph another
13 person in that other person's residence without that person's
14 consent.

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

22 (a-10) It is unlawful for any person to knowingly make a
23 video record or transmit live video of or photograph another
24 person's intimate parts for the purpose of viewing the body of
25 or the undergarments worn by that other person without that
26 person's consent. For the purposes of this subsection (a-10),

1 "intimate parts" means the fully unclothed, partially
2 unclothed, or transparently clothed genitals, pubic area,
3 anus, or if the person is female, a partially or fully exposed
4 nipple, including exposure through transparent clothing.

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

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

18 (a-25) It is unlawful for any person to, by any means,
19 knowingly disseminate, or permit to be disseminated, a video
20 record or live video or photograph that he or she knows to have
21 been made or transmitted in violation of (a), (a-4), (a-5),
22 (a-6), (a-10), (a-15), or (a-20).

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

25 (1) The making of a video record or transmission of
26 live video or photograph by law enforcement officers

1 pursuant to a criminal investigation, which is otherwise
2 lawful;

3 (2) The making of a video record or transmission of
4 live video by or photograph correctional officials for
5 security reasons or for investigation of alleged
6 misconduct involving a person committed to the Department
7 of Corrections; and

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

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

19 (d) Sentence.

20 (1) A violation of subsection (a-15), (a-4), or (a-20)
21 is a Class A misdemeanor.

22 (2) A violation of subsection (a), (a-5), (a-6), or
23 (a-10) is a Class 4 felony.

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

26 (4) A violation of subsection (a), (a-5), (a-6),

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

5 (5) A violation of subsection (a-25) is a Class 2
6 felony if the victim is a person under 18 years of age or
7 if the violation is committed by an individual who is
8 required to register as a sex offender under the Sex
9 Offender Registration Act.

10 (e) For purposes of this Section:

11 (0.05) "Courthouse" includes any local, county, or
12 state facility where court proceedings are held and court
13 functions occur.

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

17 (2) "Video record" means and includes any videotape,
18 photograph, film, or other electronic or digital recording
19 of a still or moving visual image; and "live video" means
20 and includes any real-time or contemporaneous electronic
21 or digital transmission of a still or moving visual image.

22 (Source: P.A. 102-567, eff. 1-1-22.)".