



Sen. Laura M. Murphy

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10400SB4038sam002

LRB104 19814 RLC 36556 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 consent  
3 of the presiding judge, or consent of an entity responsible  
4 for providing law enforcement or security for a courthouse,  
5 provided that consent is consistent with any order issued by  
6 the Supreme Court or the presiding judge. An individual's  
7 consent to be photographed or recorded does not supersede a  
8 judicial order prohibiting photography or video recording.  
9 This subsection does not apply to photography or video  
10 captured by the courthouse security cameras or body cameras  
11 worn by law enforcement officers. Nothing in this subsection  
12 shall be construed to circumvent the provisions of the Open  
13 Meetings Act.

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

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

25 (a-10) It is unlawful for any person to knowingly make a  
26 video record or transmit live video of or photograph another

1 person's intimate parts for the purpose of viewing the body of  
2 or the undergarments worn by that other person without that  
3 person's consent. For the purposes of this subsection (a-10),  
4 "intimate parts" means the fully unclothed, partially  
5 unclothed, or transparently clothed genitals, pubic area,  
6 anus, or if the person is female, a partially or fully exposed  
7 nipple, including exposure through transparent clothing.

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

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

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

26 (b) Exemptions. The following activities shall be exempt

1 from the provisions of this Section:

2 (1) The making of a video record or transmission of  
3 live video or photograph by law enforcement officers  
4 pursuant to a criminal investigation, which is otherwise  
5 lawful;

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

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

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

22 (d) Sentence.

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

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

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

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

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

13         (e) For purposes of this Section:

14           (0.05) "Courthouse" includes any local, county, or  
15 state facility where court proceedings are held and court  
16 functions occur.

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

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

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