



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2149

Introduced 1/14/2004, by Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961. Prohibits a person from knowingly and secretly videotaping, photographing, or filming a family member naked, in the person's or family member's residence without the family member's consent.

LRB093 14557 RLC 43247 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to 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 videotaping.

8 (a) It is unlawful for any person to knowingly videotape,
9 photograph, or film another person without that person's
10 consent in a restroom, tanning bed, tanning salon, locker room,
11 changing room, or hotel bedroom.

12 (a-5) It is unlawful for any person to knowingly and
13 secretly videotape, photograph, or film another person in the
14 other person's residence without that person's consent,
15 including knowingly and secretly videotaping, photographing,
16 or filming a family member naked, in the person's or family
17 member's residence without the family member's consent.

18 (a-10) It is unlawful for any person, using a concealed
19 camcorder or photographic camera of any type, to knowingly and
20 secretly videotape, photograph, or record by electronic means,
21 another person under or through the clothing worn by that other
22 person for the purpose of viewing the body of or the
23 undergarments worn by that other person without that person's
24 consent.

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

27 (1) Videotaping, photographing, and filming by law
28 enforcement officers pursuant to a criminal investigation,
29 which is otherwise lawful;

30 (2) Videotaping, photographing, and filming by
31 correctional officials for security reasons or for
32 investigation of alleged misconduct involving a person

1 committed to the Department of Corrections.

2 (c) The provisions of this Section do not apply to any
3 sound recording of an oral conversation made as the result of
4 the videotaping or filming, and to which Article 14 of this
5 Code applies.

6 (d) Sentence.

7 (1) A violation of subsection (a), (a-5), or (a-10) is
8 a Class A misdemeanor.

9 (2) A person who, by any means, knowingly disseminates
10 or permits the dissemination to another person of a
11 videotape, photograph, or film in violation of subsection
12 (a), (a-5), or (a-10) is guilty of a Class 4 felony.

13 (e) For the purposes of this Section, "family member" has
14 the meaning ascribed to it in Section 12-12 of this Code; and
15 "naked" means a pose, posture, or setting which exhibits male
16 or female genitals, pubic area, female breasts with less than a
17 full opaque covering the nipples thereof, human male genitals
18 in a discernibly turgid state even if completely and opaquely
19 covered, or that portion of the buttocks which would be covered
20 by a properly worn "thong" type bikini bottom.

21 (Source: P.A. 91-910, eff. 1-1-01; 92-86, eff. 7-12-01.)