



Rep. Martin J. Moylan

Filed: 3/21/2017

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LRB100 11021 RLC 23390 a

1 AMENDMENT TO HOUSE BILL 3906

2 AMENDMENT NO. _____. Amend House Bill 3906 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.

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

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

16 (a-6) It is unlawful for any person to knowingly make a

1 video record or transmit live video of another person in that
2 other person's residence without that person's consent when the
3 recording or transmission is made outside that person's
4 residence by use of an audio or video device that records or
5 transmits from a remote location.

6 (a-10) It is unlawful for any person to knowingly make a
7 video record or transmit live video of another person under or
8 through the clothing worn by that other person for the purpose
9 of viewing the body of or the undergarments worn by that other
10 person without that person's consent.

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

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

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

1 (a-30) (1) It is unlawful for any person to knowingly,
2 without the consent of another person, operate an unmanned
3 aerial vehicle in a manner that:

4 (A) is intended to cause the unmanned aerial vehicle to
5 enter the space above or surrounding the other person's
6 occupied residence for the purpose of making a video record
7 or transmitting live video, or audio recordings of the
8 other person while the other person is:

9 (i) within his or her occupied residence; or

10 (ii) on the land or premises on which his or her
11 occupied residence is located; and

12 (B) invades his or her reasonable expectation of
13 privacy.

14 (2) It is unlawful for the person to knowingly disseminate
15 a video record or live video made in violation of subparagraphs
16 (A) and (B) of paragraph (1) of this subsection (a-30).

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

19 (1) The making of a video record or transmission of
20 live video by law enforcement officers pursuant to a
21 criminal investigation, which is otherwise lawful;

22 (2) The making of a video record or transmission of
23 live video by correctional officials for security reasons
24 or for investigation of alleged misconduct involving a
25 person committed to the Department of Corrections; and

26 (3) The making of a video record or transmission of

1 live video in a locker room by a reporter or news medium,
2 as those terms are defined in Section 8-902 of the Code of
3 Civil Procedure, where the reporter or news medium has been
4 granted access to the locker room by an appropriate
5 authority for the purpose of conducting interviews.

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

10 (d) Sentence.

11 (1) A violation of subsection (a-10), (a-15), ~~or~~
12 (a-20), or (a-30) is a Class A misdemeanor.

13 (2) A violation of subsection (a), (a-5), or (a-6) is a
14 Class 4 felony.

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

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

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

1 (e) For purposes of this Section:

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

5 (1.5) "Unmanned aerial vehicle" means an aircraft that
6 does not carry a human operator and that is capable of
7 flight under remote control or autonomous programming.

8 "Unmanned aerial vehicle" includes the following:

9 (A) an unmanned aircraft and an unmanned aircraft
10 system (both as defined in the Federal Aviation
11 Administration Modernization and Reform Act of 2012
12 (P.L.112-95, 126 Stat. 6 11)); and

13 (B) a small unmanned aircraft and a small unmanned
14 aircraft system (both as defined in 14 CFR 107.3).

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

20 (Source: P.A. 96-416, eff. 1-1-10; 97-813, eff. 7-13-12.)".