

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****SB0628**

Introduced 1/25/2017, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4.6 new

Amends the Criminal Code of 2012. Creates the offense of unauthorized visual recording. Provides that a first responder commits the offense when he or she is present at a motor vehicle accident or other emergency situation for the purpose of providing public safety services or medical care or assistance and knowingly photographs, films, videotapes, records, or otherwise reproduces in any manner the image of a human corpse or a person being provided medical care or assistance, except for a legitimate law enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal investigation or legal proceeding involving an injured or deceased person, or under a court order. Also, provides that a first responder commits the offense when he or she knowingly discloses any photograph, film, videotape, record, or other reproduction of the image of a human corpse or a person being provided medical care or assistance at the scene of a motor vehicle accident or other emergency situation photographed, filmed, videotaped, recorded, or otherwise reproduced by another person in the agency for which the first responder is employed without prior written consent of the injured person, the person's next-of-kin if the injured person cannot provide consent, or personal representative under law of a deceased person, unless the disclosure is for a legitimate law enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal investigation or legal proceeding involving an injured or deceased person, or under a court order. Provides that a violation is a Class C misdemeanor for a first offense and a Class B misdemeanor for a second or subsequent offense.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 2012 is amended by adding
5 Section 26-4.6 as follows:

6 (720 ILCS 5/26-4.6 new)

7 Sec. 26-4.6. Unauthorized visual recording.

8 (a) As used in this Section:

9 "Computer", "computer program", and "data" have the
10 meanings ascribed to them in Section 17-0.5 of this Code.

11 "Depiction by computer" means a computer program or
12 data that, after being processed by a computer either alone
13 or in conjunction with one or more computer programs,
14 results in a visual depiction on a computer monitor,
15 screen, or display.

16 "Disclose" means to sell, manufacture, give, provide,
17 lend, trade, mail, deliver, transfer, publish, distribute,
18 circulate, disseminate, present, exhibit, advertise,
19 offer, or otherwise make available or make known to any
20 third party.

21 "Disseminate" means (1) to sell, distribute, exchange,
22 or transfer possession, whether with or without
23 consideration or (2) to make a depiction by computer

1 available for distribution or downloading through the
2 facilities of any telecommunications network or through
3 any other means of transferring computer programs or data
4 to a computer.

5 "First responder" means a peace officer, firefighter,
6 emergency medical services personnel, or other similar
7 person authorized to respond to calls for public safety
8 services or emergency medical assistance.

9 (b) A first responder commits unauthorized visual
10 recording when he or she is present at a motor vehicle accident
11 or other emergency situation for the purpose of providing
12 public safety services or medical care or assistance and
13 knowingly photographs, films, videotapes, records, or
14 otherwise reproduces in any manner the image of a human corpse
15 or a person being provided medical care or assistance, except
16 for a legitimate law enforcement purpose, public safety
17 purpose, health care purpose, insurance purpose, legal
18 investigation or legal proceeding involving an injured or
19 deceased person, or under a court order.

20 (c) A first responder commits unauthorized visual
21 recording when he or she knowingly discloses any photograph,
22 film, videotape, record, or other reproduction of the image of
23 a human corpse or a person being provided medical care or
24 assistance at the scene of a motor vehicle accident or other
25 emergency situation photographed, filmed, videotaped,
26 recorded, or otherwise reproduced by another person in the

1 agency for which the first responder is employed without prior
2 written consent of the injured person, the person's next-of-kin
3 if the injured person cannot provide consent, or personal
4 representative under law of a deceased person, unless the
5 disclosure is for a legitimate law enforcement purpose, public
6 safety purpose, health care purpose, insurance purpose, legal
7 investigation or legal proceeding involving an injured or
8 deceased person, or under a court order.

9 (d) Sentence. A person who violates this Section is guilty
10 of a Class C misdemeanor for a first offense and a Class B
11 misdemeanor for a second or subsequent offense.