



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2874

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 2012. Provides that it is unlawful for any person to, without the consent of another person, operate an unmanned aerial vehicle in a manner that: (1) is intended to cause the unmanned aerial vehicle to enter the space above or surrounding the other person's occupied residence for the purpose of making a video record or transmitting live video or audio recordings of the other person while the other person is: (A) within his or her occupied residence; or (B) on the land or premises on which his or her occupied residence is located; and (2) invades the other person's reasonable expectation of privacy. Provides that the offense is a Class A misdemeanor. Defines "unmanned aerial vehicle".

LRB101 06971 SLF 52004 b

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 changing
5 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
17 video record or transmit live video of another person in that
18 other person's residence without that person's consent when the
19 recording or transmission is made outside that person's
20 residence by use of an audio or video device that records or
21 transmits from a remote location.

22 (a-10) It is unlawful for any person to knowingly make a
23 video record or transmit live video of another person under or

1 through the clothing worn by that other person for the purpose
2 of viewing the body of or the undergarments worn by that other
3 person without that person's consent.

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

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

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

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

23 (A) is intended to cause the unmanned aerial vehicle to
24 enter the space above or surrounding the other person's
25 occupied residence for the purpose of making a video record
26 or transmitting live video, or audio recordings of the

1 other person while the other person is:

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

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

5 (B) invades his or her reasonable expectation of
6 privacy.

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

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

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

15 (2) The making of a video record or transmission of
16 live video by correctional officials for security reasons
17 or for investigation of alleged misconduct involving a
18 person committed to the Department of Corrections; and

19 (3) The making of a video record or transmission of
20 live video in a locker room by a reporter or news medium,
21 as those terms are defined in Section 8-902 of the Code of
22 Civil Procedure, where the reporter or news medium has been
23 granted access to the locker room by an appropriate
24 authority for the purpose of conducting interviews.

25 (c) The provisions of this Section do not apply to any
26 sound recording or transmission of an oral conversation made as

1 the result of the making of a video record or transmission of
2 live video, and to which Article 14 of this Code applies.

3 (d) Sentence.

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

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

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

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

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

20 (e) For purposes of this Section:

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

24 (1.5) "Unmanned aerial vehicle" means an aircraft that
25 does not carry a human operator and that is capable of
26 flight under remote control or autonomous programming.

1 "Unmanned aerial vehicle" includes the following:

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

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

8 (2) "Video record" means and includes any videotape,
9 photograph, film, or other electronic or digital recording
10 of a still or moving visual image; and "live video" means
11 and includes any real-time or contemporaneous electronic
12 or digital transmission of a still or moving visual image.

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