



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2134

Introduced 1/6/2004, by John J. Cullerton, Edward Petka

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-10 new

Amends the Criminal Code of 1961. Creates the offense of criminal trespass to a motion picture exhibition facility. Provides that it is a Class 4 felony to knowingly possess, carry, bear, or transport an audiovisual recording device into a motion picture exhibition facility without the consent of the owner or lessee of that exhibition facility and the licensor of the motion picture being exhibited. Establishes immunity from civil liability for an owner, lessee, employee, or agent of a motion picture exhibition facility who in good faith detains a person suspected of a violation of these provisions until law enforcement officers arrive. Permits law enforcement officers to carry audiovisual equipment into a motion picture exhibition facility during a lawful investigation. Effective immediately.

LRB093 14113 RLC 40081 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 adding
5 Section 21-10 as follows:

6 (720 ILCS 5/21-10 new)

7 Sec. 21-10. Criminal trespass to a motion picture
8 exhibition facility.

9 (a) Any person who knowingly possesses, carries, bears, or
10 transports an audiovisual recording device into a motion
11 picture exhibition facility without the consent of the owner or
12 lessee of that exhibition facility and the licensor of the
13 motion picture being exhibited is guilty of criminal trespass
14 to a motion picture exhibition facility.

15 (b) "Audiovisual recording device" means a photographic,
16 digital, or video camera, web cam, or any other technology now
17 known or later developed capable of enabling the recording or
18 transmission of a motion picture or any part thereof,
19 irrespective of whether audiovisual recording is the sole or
20 primary purpose of the device.

21 (c) Sentence. Criminal trespass to a motion picture
22 exhibition facility is a Class 4 felony.

23 (d) The owner or lessee of a motion picture exhibition
24 facility, or the authorized agent or employee of that owner or
25 lessee, or the licensor of the motion picture being exhibited
26 or his or her agent or employee, who alerts law enforcement
27 authorities of an alleged violation of this Section is not
28 liable in any civil action arising out of measures taken by
29 that owner, lessee, agent, or employee in the course of
30 subsequently detaining a person that the owner, lessee,
31 employee, or agent in good faith believed to have violated this
32 Section while awaiting the arrival of law enforcement

1 authorities, unless the plaintiff in such an action shows by
2 clear and convincing evidence that such measures were
3 manifestly unreasonable or the period of detention was
4 unreasonably long.

5 (e) This Section does not prevent any lawfully authorized
6 investigative, law enforcement, protective, or intelligence
7 gathering employee or agent of the State or federal government
8 from possessing, bearing, transporting, or carrying any
9 audiovisual recording device or concealed audiovisual
10 recording device into any motion picture exhibition facility as
11 part of lawfully authorized investigative, protective, law
12 enforcement, or intelligence gathering activities.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.