

# HB1473



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1473

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-1

from Ch. 38, par. 14-1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning eavesdropping.

LRB100 03297 RLC 13302 b

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 14-1 as follows:

6 (720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

7 Sec. 14-1. Definitions.

8 (a) Eavesdropping device.

9 An eavesdropping device is any device capable of being used  
10 to hear or record oral conversation or intercept, or transcribe  
11 electronic communications whether such conversation or  
12 electronic communication is conducted in person, by telephone,  
13 or by any other means; Provided, however, that this definition  
14 shall not include devices used for ~~the~~ ~~the~~ restoration of the  
15 deaf or hard-of-hearing to normal or partial hearing.

16 (b) Eavesdropper.

17 An eavesdropper is any person, including any law  
18 enforcement officer and any party to a private conversation,  
19 who operates or participates in the operation of any  
20 eavesdropping device contrary to the provisions of this Article  
21 or who acts as a principal, as defined in this Article.

22 (c) Principal.

23 A principal is any person who:

1           (1) Knowingly employs another who illegally uses an  
2 eavesdropping device in the course of such employment; or

3           (2) Knowingly derives any benefit or information from  
4 the illegal use of an eavesdropping device by another; or

5           (3) Directs another to use an eavesdropping device  
6 illegally on his or her behalf.

7           (d) Private conversation.

8           For the purposes of this Article, "private conversation"  
9 means any oral communication between 2 or more persons, whether  
10 in person or transmitted between the parties by wire or other  
11 means, when one or more of the parties intended the  
12 communication to be of a private nature under circumstances  
13 reasonably justifying that expectation. A reasonable  
14 expectation shall include any expectation recognized by law,  
15 including, but not limited to, an expectation derived from a  
16 privilege, immunity, or right established by common law,  
17 Supreme Court rule, or the Illinois or United States  
18 Constitution.

19           (e) Private electronic communication.

20           For purposes of this Article, "private electronic  
21 communication" means any transfer of signs, signals, writing,  
22 images, sounds, data, or intelligence of any nature transmitted  
23 in whole or part by a wire, radio, pager, computer,  
24 electromagnetic, photo electronic or photo optical system,  
25 when the sending or receiving party intends the electronic  
26 communication to be private under circumstances reasonably

1 justifying that expectation. A reasonable expectation shall  
2 include any expectation recognized by law, including, but not  
3 limited to, an expectation derived from a privilege, immunity,  
4 or right established by common law, Supreme Court rule, or the  
5 Illinois or United States Constitution. Electronic  
6 communication does not include any communication from a  
7 tracking device.

8 (f) Bait car.

9 For purposes of this Article, "bait car" means any motor  
10 vehicle that is not occupied by a law enforcement officer and  
11 is used by a law enforcement agency to deter, detect, identify,  
12 and assist in the apprehension of an auto theft suspect in the  
13 act of stealing a motor vehicle.

14 (g) Surreptitious.

15 For purposes of this Article, "surreptitious" means  
16 obtained or made by stealth or deception, or executed through  
17 secrecy or concealment.

18 (Source: P.A. 98-1142, eff. 12-30-14.)