



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5106

Introduced 2/18/2020, by Rep. Joyce Mason

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 knowingly make a video record or transmit live video of another person in that other person's residence, in a location on that other person's residence in which that other person has a reasonable expectation of privacy, without that person's consent when the recording or transmission is made outside that person's residence by use of an audio or video device that records or transmits from a remote location. Provides that a violation is a Class 4 felony.

LRB101 17385 RLC 66790 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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, in a location on that other person's
19 residence in which that other person has a reasonable
20 expectation of privacy, without that person's consent when the
21 recording or transmission is made outside that person's
22 residence by use of an audio or video device that records or
23 transmits from a remote location.

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

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

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

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

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

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

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

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

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

15 (d) Sentence.

16 (1) A violation of subsection (a-10), (a-15), or (a-20)
17 is a Class A misdemeanor.

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

20 (3) A violation of subsection (a-25) is a Class 3
21 felony.

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

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

6 (e) For purposes of this Section:

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

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

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