

HB1108



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1108

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

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.

LRB102 03122 RLC 13135 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
5 changing 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
10 used to hear or record oral conversation or intercept, or
11 transcribe electronic communications whether such conversation
12 or electronic communication is conducted in person, by
13 telephone, or by any other means; Provided, however, that ~~that~~
14 this definition shall not include devices used for the
15 restoration of the deaf or hard-of-hearing to normal or
16 partial hearing.

17 (b) Eavesdropper.

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

23 (c) Principal.

1 A principal is any person who:

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

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

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

8 (d) Private conversation.

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

20 (e) Private electronic communication.

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

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

9 (f) Bait car.

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

15 (g) Surreptitious.

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

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