



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4275

Introduced 1/30/2004, by John J. Millner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961 relating to unauthorized videotaping. Provides that it is unlawful for any person to knowingly videotape, photograph, or film another person or observe any videotape, photography, recording, or film of another person, without that person's consent if the videotaping, recording, or filming takes place in the following places which include, but are not limited to, a restroom, tanning bed, tanning salon, locker room, changing room, dormitory room or suite, hotel bedroom, or other private place. Increases the penalties for the offense.

LRB093 17716 RLC 43395 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 1961 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 electronic videotaping, recording,
8 and voyeurism.

9 (a) It is unlawful for any person to knowingly videotape,
10 photograph, or film another person or observe any videotape,
11 photography, recording, or film of another person, without that
12 person's consent if the videotaping, recording, or filming
13 takes place in the following places which include, but are not
14 limited to, in a restroom, tanning bed, tanning salon, locker
15 room, changing room, dormitory room or suite, or hotel bedroom,
16 or other private place. For the purposes of this subsection
17 (a), "private place" means a place where one has a reasonable
18 expectation of privacy. "Private place" includes a place where
19 a person may reasonably expect to be safe from casual or
20 hostile intrusion or surveillance, but does not include a place
21 to which the public or a substantial group of the public has
22 access. For the purposes of this subsection (a) the expectation
23 of privacy explicitly extends to one's own dwelling or home.
24 This expectation of privacy does not extend to the dwelling or
25 home of another.

26 (a-5) It is unlawful for any person to knowingly and
27 secretly videotape, photograph, record, or film another person
28 in the other person's residence without that person's consent.

29 (a-10) It is unlawful for any person, using a concealed
30 camcorder or photographic camera of any type, to knowingly and
31 secretly videotape, photograph, or record by electronic means,
32 another person under or through the clothing worn by that other

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

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

6 (1) Videotaping, photographing, recording, and filming
7 by law enforcement officers pursuant to a criminal
8 investigation, which is otherwise lawful;

9 (2) Videotaping, photographing, and filming by
10 correctional officials for security reasons or for
11 investigation of alleged misconduct involving a person
12 committed to the Department of Corrections.

13 (c) The provisions of this Section do not apply to any
14 sound recording of an oral conversation made as the result of
15 the videotaping or filming, and to which Article 14 of this
16 Code applies.

17 (d) Sentence.

18 (1) A violation of subsection (a), (a-5), or (a-10) is
19 a Class 4 felony. A violation of subsection (a), (a-5), or
20 (a-10) is a Class 3 felony if the victim is a person under
21 18 years of age. A violation of subsection (a), (a-5), or
22 (a-10) is a Class 3 felony if the violation is committed by
23 a registered sex offender under the Sex Offender
24 Registration Act or convicted sex offender who has failed
25 to lawfully register as a sex offender. A violation of
26 subsection (a), (a-5), or (a-10) is a Class 2 felony if the
27 victim is under 18 years of age and the violation is
28 committed by a registered sex offender or convicted sex
29 offender who has failed to lawfully register as a sex
30 offender under the Sex Offender Registration Act. A
31 misdemeanor.

32 (2) A person who, by any means, knowingly disseminates
33 or permits the dissemination to another person of a
34 videotape, photograph, ~~or~~ film, or other recording in
35 violation of subsection (a), (a-5), or (a-10) is guilty of
36 a Class 3 4 felony. A person who, by any means, knowingly

1 disseminates or permits the dissemination to another
2 person of a videotape, photograph, film, or other recording
3 in violation of subsection (a), (a-5), or (a-10) is guilty
4 of a Class 2 felony if the victim is under 18 years of age.

5 (Source: P.A. 91-910, eff. 1-1-01; 92-86, eff. 7-12-01.)