

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 video recording and live video  
8 transmission ~~videotaping~~.

9 (a) It is unlawful for any person to knowingly make a video  
10 record or transmit live video of ~~videotape, photograph, or film~~  
11 another person without that person's consent in a restroom,  
12 tanning bed, tanning salon, locker room, changing room, or  
13 hotel bedroom.

14 (a-5) It is unlawful for any person to knowingly make a  
15 video record or transmit live video of ~~and secretly videotape,~~  
16 ~~photograph, or film~~ another person in that ~~the~~ other person's  
17 residence without that person's consent.

18 (a-10) It is unlawful for any person, ~~using a concealed~~  
19 ~~camcorder or photographic camera of any type,~~ to knowingly make  
20 a video record or transmit live video of ~~and secretly~~  
21 ~~videotape, photograph, or record by electronic means,~~ another  
22 person under or through the clothing worn by that other person  
23 for the purpose of viewing the body of or the undergarments  
24 worn by that other person without that person's consent.

25 (a-15) It is unlawful for any person to place or cause to  
26 be placed a device that makes a video record or transmits a  
27 live video in a restroom, tanning bed, tanning salon, locker  
28 room, changing room, or hotel bedroom with the intent to make a  
29 video record or transmit live video of another person without  
30 that person's consent.

31 (a-20) It is unlawful for any person to place or cause to  
32 be placed a device that makes a video record or transmits a

1 live video with the intent to make a video record or transmit  
2 live video of another person in that other person's residence  
3 without that person's consent.

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

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

11 (1) The making of a video record or transmission of  
12 live video ~~Videotaping, photographing, and filming~~ by law  
13 enforcement officers pursuant to a criminal investigation,  
14 which is otherwise lawful;

15 (2) The making of a video record or transmission of  
16 live video ~~Videotaping, photographing, and filming~~ by  
17 correctional officials for security reasons or for  
18 investigation of alleged misconduct involving a person  
19 committed to the Department of Corrections.

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

26 (c) The provisions of this Section do not apply to any  
27 sound recording or transmission of an oral conversation made as  
28 the result of the making of a video record or transmission of  
29 live video ~~videotaping or filming~~, and to which Article 14 of  
30 this Code applies.

31 (d) Sentence.

32 (1) A violation of subsection (a), ~~(a-5), or~~ (a-10),  
33 (a-15), or (a-20) is a Class A misdemeanor.

34 (2) A violation of subsection (a-5) is a Class 4  
35 felony.

36 (3) A violation of subsection (a-25) is a Class 3

1 felony.

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

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

12 ~~(2) A person who, by any means, knowingly disseminates~~  
13 ~~or permits the dissemination to another person of a~~  
14 ~~videotape, photograph, or film in violation of subsection~~  
15 ~~(a), (a-5), or (a-10) is guilty of a Class 4 felony.~~

16 (e) For purposes of this Section, "video record" means and  
17 includes any videotape, photograph, film, or other electronic  
18 or digital recording of a still or moving visual image; and  
19 "live video" means and includes any real-time or  
20 contemporaneous electronic or digital transmission of a still  
21 or moving visual image.

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