



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Don Harmon

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961. Includes in the offense of unauthorized videotaping, electronically recording or electronically surveilling another person without that person's consent in a private place. Provides that it is unlawful for any person to place or cause to be placed an electronic video surveillance device in a restroom, tanning bed, tanning salon, locker room, changing room, hotel bedroom, or any other private place, with the intent to electronically record, electronically surveil, videotape, photograph, or film another person without that person's consent. Provides that it is unlawful for any person to place or cause to be placed an electronic video surveillance device in another person's residence without that person's consent, with the intent to secretly electronically record, electronically surveil, videotape, photograph, or film another person without that person's consent. Increases the penalties for the offense from a Class A misdemeanor to a Class 4 felony and if the images are disseminated from a Class 4 felony to a Class 3 felony. Provides that if the person electronically recorded, electronically surveilled, videotaped, photographed, or filmed is under 18 years of age, the penalty is a Class 2 felony. Effective January 1, 2005.

LRB093 18369 RLC 46570 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 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 recording or  
8 surveillance ~~videotaping~~.

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

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

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

26 (a-15) It is unlawful for any person to place or cause to  
27 be placed an electronic video surveillance device in a  
28 restroom, tanning bed, tanning salon, locker room, changing  
29 room, hotel bedroom, or any other private place, with the  
30 intent to electronically record, electronically surveil,  
31 videotape, photograph, or film another person without that  
32 person's consent.

1       (a-20) It is unlawful for any person to place or cause to  
2 be placed an electronic video surveillance device in another  
3 person's residence without that person's consent, with the  
4 intent to secretly electronically record, electronically  
5 surveil, videotape, photograph, or film another person without  
6 that person's consent.

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

9           (1) Electronically recording, electronically  
10 surveilling, videotaping ~~Videotaping~~, photographing, and  
11 filming by law enforcement officers pursuant to a criminal  
12 investigation, which is otherwise lawful;

13           (2) Electronically recording, electronically  
14 surveilling, videotaping ~~Videotaping~~, photographing, and  
15 filming by correctional officials for security reasons or  
16 for investigation of alleged misconduct involving a person  
17 committed to the Department of Corrections.

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

22       (c-5) In this Section:

23       "Electronic video surveillance device" means any device or  
24 apparatus that can be used to record, capture, or display still  
25 or moving visual images.

26       "Private place" means a place where a reasonable person  
27 would expect to be safe from casual or hostile intrusion or  
28 surveillance. "Private place" does not include a place to which  
29 the public or a substantial group of the public has access.

30       "Surveil" or "surveillance" means to secretly visually  
31 observe the activities of another person for the purpose of  
32 spying upon and invading upon the privacy of the person  
33 observed.

34       (d) Sentence.

35           (1) A violation of subsection (a), (a-5), ~~or~~ (a-10),  
36 (a-15), or (a-20) is a Class 4 felony ~~A misdemeanor.~~

1           (2) A person who, by any means, knowingly disseminates  
2           or permits the dissemination to another person of an  
3           electronic recording, video image, a videotape,  
4           photograph, or film in violation of subsection (a), (a-5),  
5           ~~or~~ (a-10), (a-15), or (a-20) is guilty of a Class 3 ~~4~~  
6           felony.

7           (3) A violation of subsection (a), (a-5), (a-10),  
8           (a-15), or (a-20) when the person electronically recorded,  
9           electronically surveilled, videotaped, photographed, or  
10           filmed is a minor under 18 years of age is a Class 2  
11           felony.

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

13           Section 99. Effective date. This Act takes effect January  
14           1, 2005.