



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5807

Introduced 07/24/06, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961 to increase the minimum penalties for unauthorized video recording and unauthorized live transmission of another person without that person's consent from a Class A misdemeanor to a Class 4 felony. Effective immediately.

LRB094 20972 RLC 59297 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 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-10) It is unlawful for any person to knowingly make a
17 video record or transmit live video of another person under or
18 through the clothing worn by that other person for the purpose
19 of viewing the body of or the undergarments worn by that other
20 person without that person's consent.

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

27 (a-20) It is unlawful for any person to place or cause to
28 be placed a device that makes a video record or transmits a
29 live video with the intent to make a video record or transmit
30 live video of another person in that other person's residence
31 without that person's consent.

32 (a-25) It is unlawful for any person to, by any means,

1 knowingly disseminate, or permit to be disseminated, a video
2 record or live video that he or she knows to have been made or
3 transmitted in violation of (a), (a-5), (a-10), (a-15), or
4 (a-20).

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

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

10 (2) The making of a video record or transmission of
11 live video by correctional officials for security reasons
12 or for investigation of alleged misconduct involving a
13 person committed to the Department of Corrections.

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

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

24 (d) Sentence.

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

27 (2) (Blank) ~~A violation of subsection (a-5) is a Class~~
28 ~~4 felony.~~

29 (3) A violation of subsection (a-25) is a Class 3
30 felony.

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

36 (5) A violation of subsection (a-25) is a Class 2

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

5 (e) For purposes of this Section, "video record" means and
6 includes any videotape, photograph, film, or other electronic
7 or digital recording of a still or moving visual image; and
8 "live video" means and includes any real-time or
9 contemporaneous electronic or digital transmission of a still
10 or moving visual image.

11 (Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.