

# HB0306



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0306

Introduced 1/19/2007, 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.

LRB095 05376 RLC 25464 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 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

1 room, changing room, or hotel bedroom with the intent to make a  
2 video record or transmit live video of another person without  
3 that person's consent.

4 (a-20) It is unlawful for any person to place or cause to  
5 be placed a device that makes a video record or transmits a  
6 live video with the intent to make a video record or transmit  
7 live video of another person in that other person's residence  
8 without that person's consent.

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

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

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

19 (2) The making of a video record or transmission of  
20 live video by correctional officials for security reasons  
21 or for investigation of alleged misconduct involving a  
22 person committed to the Department of Corrections.

23 (3) The making of a video record or transmission of  
24 live video in a locker room by a reporter or news medium,  
25 as those terms are defined in Section 8-902 of the Code of  
26 Civil Procedure, where the reporter or news medium has been

1 granted access to the locker room by an appropriate  
2 authority for the purpose of conducting interviews.

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

7 (d) Sentence.

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

10 (2) (Blank) ~~A violation of subsection (a-5) is a Class~~  
11 ~~4 felony.~~

12 (3) A violation of subsection (a-25) is a Class 3  
13 felony.

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

19 (5) A violation of subsection (a-25) is a Class 2  
20 felony if the victim is a person under 18 years of age or  
21 if the violation is committed by an individual who is  
22 required to register as a sex offender under the Sex  
23 Offender Registration Act.

24 (e) For purposes of this Section, "video record" means and  
25 includes any videotape, photograph, film, or other electronic  
26 or digital recording of a still or moving visual image; and

1 "live video" means and includes any real-time or  
2 contemporaneous electronic or digital transmission of a still  
3 or moving visual image.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.