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LRB095 05376 RLC 31981 a

1 AMENDMENT TO HOUSE BILL 306

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 306 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing 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-4) It is unlawful for any person to knowingly make a  
14 video record or transmit live video of another person without  
15 that person's consent in a tanning bed or tanning salon.

16 (a-5) It is unlawful for any person to knowingly make a

1 video record or transmit live video of another person in that  
2 other person's residence without that person's consent.

3 (a-10) It is unlawful for any person to knowingly make a  
4 video record or transmit live video of another person under or  
5 through the clothing worn by that other person for the purpose  
6 of viewing the body of or the undergarments worn by that other  
7 person without that person's consent.

8 (a-15) It is unlawful for any person to place or cause to  
9 be placed a device that makes a video record or transmits a  
10 live video in a restroom, tanning bed, tanning salon, locker  
11 room, changing room, or hotel bedroom with the intent to make a  
12 video record or transmit live video of another person without  
13 that person's consent.

14 (a-20) It is unlawful for any person to place or cause to  
15 be placed a device that makes a video record or transmits a  
16 live video with the intent to make a video record or transmit  
17 live video of another person in that other person's residence  
18 without that person's consent.

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

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

26 (1) The making of a video record or transmission of

1 live video by law enforcement officers pursuant to a  
2 criminal investigation, which is otherwise lawful;

3 (2) The making of a video record or transmission of  
4 live video by correctional officials for security reasons  
5 or for investigation of alleged misconduct involving a  
6 person committed to the Department of Corrections.

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

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

17 (d) Sentence.

18 (1) A violation of subsection (a), (a-10), (a-15), or  
19 (a-20) is a Class A misdemeanor.

20 (2) A violation of subsection (a-4) or (a-5) is a Class  
21 4 felony.

22 (3) A violation of subsection (a-25) is a Class 3  
23 felony.

24 (4) A violation of subsection (a), (a-5), (a-10),  
25 (a-15) or (a-20) is a Class 3 felony if the victim is a  
26 person under 18 years of age or if the violation is

1 committed by an individual who is required to register as a  
2 sex offender under the Sex Offender Registration Act.

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

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

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."