

**SB0532**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0532**

Introduced 2/8/2007, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/16-8

from Ch. 38, par. 16-8

Amends the Criminal Code of 1961 relating to the offense of the unlawful use of unidentified sound or audio visual recordings. Defines "manufacture" for purposes of the offense. Provides that when the offense involves more than 100 unidentified sound recordings or more than 7 unidentified audio visual recordings during any 180 day period, the trier of fact may infer (but is not required to infer) the existence of any of the mental states set forth for the offense. Effective immediately.

LRB095 10832 RLC 31094 b

**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 16-8 as follows:

6 (720 ILCS 5/16-8) (from Ch. 38, par. 16-8)

7 Sec. 16-8. Unlawful use of unidentified sound or audio  
8 visual recordings.

9 (a) A person commits unlawful use of unidentified sound or  
10 audio visual recordings when he intentionally, knowingly,  
11 recklessly or negligently for profit manufactures, sells,  
12 distributes, vends, circulates, performs, leases or otherwise  
13 deals in and with unidentified sound or audio visual recordings  
14 or causes the manufacture, sale, distribution, vending,  
15 circulation, performance, lease or other dealing in and with  
16 unidentified sound or audio visual recordings.

17 (a-5) For purposes of this Section, the term "manufacture"  
18 means the manufacture of unidentified sound or audio visual  
19 recordings, and does not apply to the manufacture of an  
20 identified sound or audio visual recording from which an  
21 unidentified sound or audio visual recording may be made.

22 (b) Unlawful use of unidentified sound or audio visual  
23 recordings is a Class 4 felony; however:

1           (1) If the offense involves more than 100 but not  
2           exceeding 1000 unidentified sound recordings or more than 7  
3           but not exceeding 65 unidentified audio visual recordings  
4           during any 180 day period the authorized fine is up to  
5           \$100,000; and

6           (2) If the offense involves more than 1,000  
7           unidentified sound recordings or more than 65 unidentified  
8           audio visual recordings during any 180 day period the  
9           authorized fine is up to \$250,000.

10          (c) Each and every individual manufacture, sale,  
11          distribution, vending, circulation, performance, lease or  
12          other dealing in and with an unidentified sound or audio visual  
13          recording constitutes a separate violation of this Section.

14          (c-5) When the offense involves more than 100 unidentified  
15          sound recordings or more than 7 unidentified audio visual  
16          recordings during any 180 day period, the trier of fact may  
17          infer (but is not required to infer) the existence of any of  
18          the mental states set forth in subsection (a) of this Section.

19          (d) If any provision or item of this Section or the  
20          application thereof is held invalid, such invalidity shall not  
21          affect other provisions, items or applications of this Section  
22          which can be given effect without the invalid provisions, items  
23          or applications and to this end the provisions of this Section  
24          are hereby declared severable.

25          (e) Any unidentified sound or audio visual recording used  
26          in violation of this Section, or in the attempt to commit such

1 violation as defined in Section 8-4, or in a conspiracy to  
2 commit such violation as defined in Section 8-2, or in a  
3 solicitation to commit such offense as defined in Section 8-1,  
4 may be confiscated and destroyed upon conclusion of the case or  
5 cases to which they are relevant, except that the Court may  
6 enter an order preserving them as evidence for use in other  
7 cases or pending the final determination of an appeal.

8 (Source: P.A. 86-1210.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.