

# HB1985



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB1985**

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-1

from Ch. 38, par. 14-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning eavesdropping.

LRB096 05354 RLC 15420 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 14-1 as follows:

6 (720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

7 Sec. 14-1. Definition.

8 (a) Eavesdropping device.

9 An eavesdropping device is any device capable of being used  
10 to hear or record oral conversation or intercept, retain, or  
11 transcribe electronic communications whether such conversation  
12 or electronic communication is conducted in person, by  
13 telephone, or by any other means; Provided, however, that ~~that~~  
14 this definition shall not include devices used for the  
15 restoration of the deaf or hard-of-hearing to normal or partial  
16 hearing.

17 (b) Eavesdropper.

18 An eavesdropper is any person, including law enforcement  
19 officers, who is a principal, as defined in this Article, or  
20 who operates or participates in the operation of any  
21 eavesdropping device contrary to the provisions of this  
22 Article.

23 (c) Principal.

1 A principal is any person who:

2 (1) Knowingly employs another who illegally uses an  
3 eavesdropping device in the course of such employment; or

4 (2) Knowingly derives any benefit or information from  
5 the illegal use of an eavesdropping device by another; or

6 (3) Directs another to use an eavesdropping device  
7 illegally on his behalf.

8 (d) Conversation.

9 For the purposes of this Article, the term conversation  
10 means any oral communication between 2 or more persons  
11 regardless of whether one or more of the parties intended their  
12 communication to be of a private nature under circumstances  
13 justifying that expectation.

14 (e) Electronic communication.

15 For purposes of this Article, the term electronic  
16 communication means any transfer of signs, signals, writing,  
17 images, sounds, data, or intelligence of any nature transmitted  
18 in whole or part by a wire, radio, pager, computer,  
19 electromagnetic, photo electronic or photo optical system,  
20 where the sending and receiving parties intend the electronic  
21 communication to be private and the interception, recording, or  
22 transcription of the electronic communication is accomplished  
23 by a device in a surreptitious manner contrary to the  
24 provisions of this Article. Electronic communication does not  
25 include any communication from a tracking device.

26 (f) Bait car.

1           For purposes of this Article, the term bait car means any  
2 motor vehicle that is not occupied by a law enforcement officer  
3 and is used by a law enforcement agency to deter, detect,  
4 identify, and assist in the apprehension of an auto theft  
5 suspect in the act of stealing a motor vehicle.

6           (Source: P.A. 95-258, eff. 1-1-08.)