

HB3679



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3679

by Rep. Mike Smiddy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 2012 concerning unauthorized video recording and live video transmission. Provides that a person also commits the offense when he or she knowingly makes a video record or transmits live video of another person in a residential dwelling (rather than that other person's residence) without that person's consent. Increases the penalties for violations by one class.

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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 2012 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 a
15 residential dwelling ~~that other person's residence~~ without
16 that person's consent.

17 (a-6) It is unlawful for any person to knowingly make a
18 video record or transmit live video of another person in a
19 residential dwelling ~~that other person's residence~~ without
20 that person's consent when the recording or transmission is
21 made outside a residential dwelling ~~that person's residence~~ by
22 use of an audio or video device that records or transmits from
23 a remote location.

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

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

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

17 (a-25) It is unlawful for any person to, by any means,
18 knowingly disseminate, or permit to be disseminated, a video
19 record or live video that he or she knows to have been made or
20 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),
21 or (a-20).

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

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

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

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

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

15 (d) Sentence.

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

18 (2) A violation of subsection (a), (a-5), or (a-6) is a
19 Class 3 ~~4~~ felony.

20 (3) A violation of subsection (a-25) is a Class 2 ~~3~~
21 felony.

22 (4) A violation of subsection (a), (a-5), (a-6),
23 (a-10), (a-15) or (a-20) is a Class 2 ~~3~~ felony if the
24 victim is a person under 18 years of age or if the
25 violation is committed by an individual who is required to
26 register as a sex offender under the Sex Offender

1 Registration Act.

2 (5) A violation of subsection (a-25) is a Class 1 ~~2~~
3 felony if the victim is a person under 18 years of age or
4 if the violation is committed by an individual who is
5 required to register as a sex offender under the Sex
6 Offender Registration Act.

7 (e) For purposes of this Section:

8 (1) "Residential dwelling" ~~"Residence"~~ includes a
9 rental dwelling, but does not include stairwells,
10 corridors, laundry facilities, or additional areas in
11 which the general public has access.

12 (2) "Video record" means and includes any videotape,
13 photograph, film, or other electronic or digital recording
14 of a still or moving visual image; and "live video" means
15 and includes any real-time or contemporaneous electronic
16 or digital transmission of a still or moving visual image.

17 (Source: P.A. 96-416, eff. 1-1-10; 97-813, eff. 7-13-12.)