



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
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## Legislation Text

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File #: SO2014-2447, Version: 1

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### SUBSTITUTE ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government pursuant to the Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, Pursuant to its home rule power, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs, including promoting the quality of life, health, safety, and the welfare of its citizens; and

WHEREAS, On March 5, 2014, the Supreme Court of Massachusetts issued an opinion holding that it is not illegal to secretly photograph underneath a woman's skirt under Massachusetts' "Peeping Tom" law; and

WHEREAS, The ruling came after charges were dismissed against a man who was arrested in 2010 after he was reported to be using his cellphone to take photos and videos up the skirts and dresses of female passengers on a Boston trolley; and

WHEREAS, The term "upskirt" has been used to refer to the practice of surreptitiously photographing underneath a female's dress or skirt; and

WHEREAS, On March 7, 2014 Massachusetts Governor Deval Patrick signed into law a bill modernizing Massachusetts' voyeurism laws to outlaw "upskirting"; and

WHEREAS, Chicago residents and visitors have a reasonable expectation of privacy which protects them against being photographed or videotaped in a manner that poses an unreasonable intrusion upon their seclusion; and

WHEREAS, The City of Chicago is committed to protecting the privacy rights of its residents and visitors; now, therefore

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. Chapter 8-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 8-4-126, as follows:

#### **8-4-126 Unauthorized video recording and live video transmission - "Upskirting" and other related offenses.**

(a) Unlawful act. It shall be unlawful for any person to knowingly make a video record or transmit live video of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that person without that person's consent.

b) Definitions. As used in this section:

1) "Video record" means any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image; and

2) "Live video" means any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

c) Exemptions. The following activities shall be exempt from the provisions of this section:

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

2) The making of a video record or transmission of live video correctional officials for security reasons or for investigation of alleged misconduct involving a person committed to the Illinois Department of Corrections, the Cook County Department of Corrections or other similar correctional agency.

d) Penalty. Any person violating any provision of this section shall be fined not more than \$500.00 for each offense.

Edtfard M. Burke, Alderman, 14\* Ward

SECTION 2. This ordinance shall take full force and effect upon its passage and publication.

CHICAGO May 28, 2014

**To the President and Members of the City Council:**

**Your Committee on Finance having had under consideration**

A substitute ordinance amending Chapter 8-4 of the Municipal Code of Chicago by adding Section 8-4-126 concerning unauthorized video recording and live video transmission.

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Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by (a (viva voce vote")**  
**of members of the committee with dissenting vote(s).**

**Respectfully submitted**

**Chairman**