



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2408

by Rep. Avery Bourne

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Removal of Private Compromising Images Act. Defines terms. Provides that a person shall not post a private compromising image of another person online. Provides that a person may file a petition for a take-down order if the person discovers that a private compromising image of himself or herself is posted online. Provides that if the court finds that the defendant posted a private compromising image, then the court shall enter a take-down order and the defendant shall immediately delete or remove the private compromising image from the website. Provides that upon the return of service date, if the plaintiff presents prima facie evidence that the image at issue is a private compromising image of the plaintiff, then the court shall enter an emergency take-down order without a hearing to have the image removed from the website immediately. Provides that a person who is found to have posted a private compromising image of another person by a court shall be liable for damages. Provides that the amount of damages shall be at the discretion of the court.

LRB101 09341 LNS 54437 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Removal of Private Compromising Images Act.

6 Section 5. Definitions. As used in this Act:

7 "Image" has the meaning provided in subsection (a) of  
8 Section 11-23.5 of the Criminal Code of 2012.

9 "Intimate parts" has the meaning provided in subsection (a)  
10 of Section 11-23.5 of the Criminal Code of 2012.

11 Section 10. Posting of private compromising images. A  
12 person shall not post a private compromising image of another  
13 person online. A person posts a private compromising image when  
14 he or she:

15 (1) intentionally disseminates an image of another person:

16 (A) who is at least 18 years of age;

17 (B) who is identifiable from the image itself or  
18 information displayed in connection with the image; and

19 (C) whose intimate parts are exposed, in whole or in  
20 part;

21 (2) obtains the image under circumstances in which a  
22 reasonable person would know or understand that the image was

1 taken without the person's knowledge or consent; and

2 (3) knows or should have known that the person in the image  
3 has not consented to the dissemination; or

4 (4) owns or operates a website on which the posting of  
5 private compromising images is allowed or not removed upon  
6 discovery of such images being posted.

7 Section 15. Take-down order.

8 (a) A person may file a petition for a take-down order if  
9 the person discovers that a private compromising image of  
10 himself or herself is posted online.

11 (b) If, at the hearing for a take-down order, the court  
12 finds that the defendant posted a private compromising image,  
13 then the court shall enter a take-down order and the defendant  
14 shall immediately delete or remove the private compromising  
15 image from the website.

16 Section 20. Emergency take-down order. Upon the return of  
17 service date, if the plaintiff presents prima facie evidence  
18 that the image at issue is a private compromising image of the  
19 plaintiff, then the court shall enter an emergency take-down  
20 order, without a hearing, to have the image removed from the  
21 website immediately.

22 Section 25. Damages. A person who is found to have posted a  
23 private compromising image of another person by a court shall

1 be liable for damages. The amount of damages shall be at the  
2 discretion of the court.