

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.

3 Section 30. Liability. Nothing in this Act shall be
4 construed to impose liability on an interactive computer
5 service, as defined in 47 U.S.C. 230(f)(2), for content
6 provided by another person.