

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 Digital Forgeries Act.

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

7 "Digital forgery" means any video or sound recording,
8 electronic image, or photograph, or any technological
9 representation of speech or conduct substantially derivative
10 thereof, that has been materially manipulated, altered, or
11 annotated to falsely appear to a reasonable person to be an
12 authentic record of an act, a statement, or the conduct,
13 absence, or presence of an individual.

14 "Official proceeding" includes any federal, State, local,
15 tribal, administrative adjudication, election, or rulemaking
16 proceeding.

17 Section 10. Civil action.

18 (a) An individual has a cause of action against any person
19 who intentionally distributes a digital forgery depicting that
20 individual, when the person knows or recklessly disregards the
21 fact that it is a digital forgery and without the depicted
22 individual's consent:

1 (1) in order to harass, extort, threaten, or cause
2 physical harm, or substantial emotional or economic harm,
3 to an individual falsely depicted;

4 (2) with reckless disregard for whether such
5 distribution will cause physical harm, or substantial
6 emotional or economic harm, to an individual falsely
7 depicted; or

8 (3) in order to incite violence or interfere with an
9 official proceeding.

10 (b) This Section does not apply to a digital forgery that
11 is clearly and conspicuously identified to make clear to a
12 reasonable person that it is not an authentic record of an act,
13 a statement, or the conduct, absence, or presence of an
14 individual, such as parody or satire, unless the material
15 appears to be a sexual image as defined in subsection (14) of
16 Section 5 of the Civil Remedies for Nonconsensual
17 Dissemination of Private Sexual Images Act.

18 (c) A depicted individual's consent to the creation of a
19 digital forgery shall not alone establish consent to the
20 distribution of that digital forgery.

21 Section 15. Remedies.

22 (a) Under this Act, a prevailing plaintiff may be awarded:

23 (1) The greater of:

24 (A) economic and noneconomic damages proximately
25 caused by the creation or distribution of the digital

1 forgery, including damages for emotional distress
2 regardless of whether they are accompanied by other
3 damages; or

4 (B) statutory damages not to exceed \$10,000
5 against each defendant found liable under this Act for
6 all disclosures and threatened disclosures by the
7 defendant of which the plaintiff knew or reasonably
8 should have known when filing the action or that
9 became known during the pendency of the action.

10 (2) An amount equal to any monetary gain made by the
11 defendant from the creation, distribution, or solicitation
12 of creation of the digital forgery.

13 (3) Punitive damages.

14 (4) The costs of the action, including reasonable
15 attorney's fees and other reasonable litigation costs.

16 (5) Additional relief, including equitable relief,
17 such as a temporary restraining order, a preliminary
18 injunction, or a permanent injunction ordering the
19 defendant to cease the display or disclosure of the
20 digital forgery.

21 (b) This Act does not affect a right or remedy available
22 under any other law of this State.

23 Section 20. Preservation of anonymity. In ordering relief
24 under this Act, the court may grant injunctive relief
25 maintaining the confidentiality of a plaintiff using a

1 pseudonym.

2 Section 25. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.