



Rep. Jennifer Gong-Gershowitz

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1 AMENDMENT TO HOUSE BILL 2954

2 AMENDMENT NO. _____. Amend House Bill 2954 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Civil
5 Liability for Doxing Act.

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

7 "Course of conduct" means a pattern of conduct composed of
8 2 or more acts, evidencing a continuity of purpose.

9 "Electronic communication" means any transfer of signs,
10 signals, writing, images, sounds, data, or intelligence of any
11 nature transmitted in whole or in part by a wire, radio,
12 electromagnetic, photoelectronic, or photo-optical system.

13 "Emotional distress" means significant mental suffering,
14 anxiety, or alarm. "Emotional distress" is limited to
15 emotional suffering that is protracted and not merely trivial
16 or transitory.

1 "Family or household member" has the meaning given to the
2 term "family or household members" in Section 103 of the
3 Illinois Domestic Violence Act of 1986.

4 "Personally identifiable information" means any
5 information that can be used to distinguish or trace a
6 person's identity, such as name, prior legal name, alias,
7 mother's maiden name, and date or place of birth in
8 combination with any other information that is linked or
9 linkable to a person such as:

10 (1) social security number, home address, phone
11 number, email address, social media accounts, or biometric
12 data;

13 (2) medical, financial, education, consumer, or
14 employment information, data, or records;

15 (3) any other sensitive or private information that is
16 linked or linkable to a specific identifiable person, such
17 as gender identity, sexual orientation, or any sexually
18 intimate visual depiction; or

19 (4) any information that provides access to a person's
20 teleconferencing, video-teleconferencing, or other
21 digital meeting room.

22 "Post" means to circulate, deliver, distribute,
23 disseminate, transmit, or otherwise make available to 2 or
24 more persons through electronic communication.

25 "Publish" means to circulate, deliver, distribute,
26 disseminate, post, transmit, or otherwise make available to

1 another person. "Publish" does not include writing or
2 electronically communicating to one other person in private
3 communications for which an individual has a reasonable
4 expectation of privacy.

5 "Regularly resides" means residing in the household with
6 some permanency or regular frequency in the person's living
7 arrangement.

8 "Stalk" or "stalking" has the meaning provided in Section
9 12-7.3 of the Criminal Code of 2012, except that "stalking"
10 does not include an activity that is part of a protest that is
11 protected by the United States Constitution or the Illinois
12 Constitution.

13 "Substantial life disruption" means a material and
14 significant alteration of an individual's livelihood.
15 "Substantial life disruption" may include, but is not limited
16 to, moving from an established residence, changing routes to
17 and from work, changing employment or work schedule, or losing
18 time at work or a job.

19 Section 10. Doxing.

20 (a) An individual engages in the act of doxing when that
21 individual intentionally publishes another person's personally
22 identifiable information without the consent of the person
23 whose information is published and:

24 (1) the information is published with the intent that
25 it be used to harm or harass the person whose information

1 is published and with knowledge or reckless disregard that
2 the person whose information is published would be
3 reasonably likely to suffer death, bodily injury, or
4 stalking; and

5 (2) the publishing of the information:

6 (i) causes the person whose information is
7 published to suffer significant economic injury or
8 emotional distress or to fear serious bodily injury or
9 death of the person or a family or household member of
10 the person; or

11 (ii) causes the person whose information is
12 published to suffer a substantial life disruption; and

13 (3) the person whose information is published is
14 identifiable from the published personally identifiable
15 information itself.

16 (b) It is not an offense under this Act for an individual
17 to:

18 (1) provide another person's personally identifiable
19 information or sensitive personal information in
20 connection with the reporting of criminal activity to an
21 employee of a law enforcement agency or in connection with
22 any lawfully authorized investigative, protective, or
23 intelligence activity of any law enforcement agency or of
24 an intelligence agency of the United States and the person
25 making the report reasonably believes the alleged criminal
26 activity occurred or the existing investigative,

1 protective, or intelligence activity is legitimate;

2 (2) disseminate the personally identifiable
3 information for the purpose of, or in connection with, the
4 reporting of conduct reasonably believed to be unlawful;
5 or

6 (3) provide a person's personally identifiable
7 information in connection with activity protected under
8 the United States Constitution or the Illinois
9 Constitution pertaining to speech, press, assembly,
10 protest, and petition, as well as the provision of
11 personally identifiable information to the press.

12 (c) Nothing in this Act shall be construed in any manner
13 to:

14 (1) conflict with Section 230 of Title II of the
15 Communications Act of 1934 (47 U.S.C. 230);

16 (2) conflict with 42 U.S.C. 1983; or

17 (3) prohibit any activity protected under the
18 Constitution of the United States or the Illinois
19 Constitution.

20 Section 15. Civil action.

21 (a) A person who is aggrieved by a violation of this Act
22 may bring a civil action against (i) the individual who
23 committed the offense of doxing or (ii) any individual or
24 entity that directs one or more persons to violate this Act and
25 that knowingly benefits, financially or by receiving anything

1 of value, from participation in a venture that the individual
2 or entity knew involved a violation of this Act.

3 (b) A person who is aggrieved by a violation of this Act
4 may recover damages and any other appropriate relief,
5 including reasonable attorney's fees.

6 (c) An individual who is found liable under this Act shall
7 be jointly and severally liable with each other individual, if
8 any, who is found liable under this Act for damages arising
9 from the same violation of this Act.

10 (d) When a judgment is entered in favor of an individual
11 alleged to have committed the offense of doxing, the court may
12 award reasonable costs and attorney's fees to the defendant
13 for defending any claim that the court finds was brought by the
14 plaintiff and that the court finds was frivolous, baseless, or
15 brought in bad faith.

16 Section 20. Injunctive relief.

17 (a) A court in which a suit is brought under this Act, on
18 the motion of a party, may issue a temporary restraining
19 order, emergency order of protection, or preliminary or
20 permanent injunction to restrain and prevent the disclosure or
21 continued disclosure of a person's personally identifiable
22 information or sensitive personal information. Upon a motion
23 by a party in a civil action brought under this Act, and
24 following a full evidentiary hearing, a court may issue an
25 order pursuant to this Section to prevent the publishing of a

1 person's personally identifiable information or sensitive
2 personal information if the court finds by clear and
3 convincing evidence each of the following:

4 (1) the individual to be enjoined published personally
5 identifiable information or sensitive personal information
6 in violation of this Act;

7 (2) continued or further publishing of the personally
8 identifiable information or sensitive personal information
9 poses a present and ongoing risk of death, bodily injury,
10 or stalking to another individual; and

11 (3) the individual to be enjoined has no lawful or
12 constitutional purpose for continued or further publishing
13 of the personally identifiable information or sensitive
14 personal information.

15 (b) Any injunctive relief granted under this Section shall
16 state the following with sufficient particularity to allow
17 appellate review:

18 (1) the required findings in subsection (a) of Section
19 20 and the evidentiary basis and reasoning for the
20 findings;

21 (2) the expiration date of the injunction, which shall
22 be no more than one year from the date of its entry;

23 (3) that the enjoined individual may seek relief from
24 the injunction, if the court determines, after notice and
25 hearing, that one or more of the required findings in
26 subsection (a) of Section 20 no longer apply; and

1 (4) that the person who sought the injunction may seek
2 an extension of the order of no more than one year if the
3 court determines, after notice and hearing, that the
4 required findings in subsection (a) of Section 20 continue
5 to apply.

6 (c) If a person violates any order issued under this
7 Section, the court, in its discretion, may grant any civil
8 remedy under State law.

9 Section 25. Venue. A civil action may be brought in any
10 county in which an element of the offense occurred, or in which
11 a person resides who is the subject of personally identifiable
12 information published in violation of this Act.

13 Section 30. Constitutionality. The General Assembly does
14 not intend this Act to allow, and this Act shall not allow,
15 actions to be brought against constitutionally protected
16 activity.

17 Section 97. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.".