

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 11-20.2 as follows:

6 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

7 Sec. 11-20.2. Images of child pornography.

8 (a) Any commercial film and photographic print processor
9 or person whose principal business is to service or repair
10 computers who has knowledge of or observes, within the scope
11 of his or her professional capacity or employment, any film,
12 photograph, videotape, negative, ~~or~~ slide, or computer image
13 which depicts a child whom the processor or person whose
14 principal business is to service or repair computers
15 determines ~~knows--or--reasonably-should-knew~~ to be under the
16 age of 18 where such child is:

17 (i) actually or by simulation engaged in any act of
18 sexual intercourse with any person or animal; or

19 (ii) actually or by simulation engaged in any act of
20 sexual contact involving the sex organs of the child and the
21 mouth, anus, or sex organs of another person or animal; or
22 which involves the mouth, anus or sex organs of the child and
23 the sex organs of another person or animal; or

24 (iii) actually or by simulation engaged in any act of
25 masturbation; or

26 (iv) actually or by simulation portrayed as being the
27 object of, or otherwise engaged in, any act of lewd fondling,
28 touching, or caressing involving another person or animal; or

29 (v) actually or by simulation engaged in any act of
30 excretion or urination within a sexual context; or

31 (vi) actually or by simulation portrayed or depicted as

1 bound, fettered, or subject to sadistic, masochistic, or
2 sadomasochistic abuse in any sexual context; shall report
3 such instance to an appropriate State, local, or federal law
4 enforcement agency or to a federal law enforcement agency as
5 defined under 18 U.S.C. 2252. For the purposes of this
6 Section, actual notice shall mean written or electronic
7 notification received by the appropriate department of the
8 Interactive computer service provider a--peace--offieer
9 immediately-or-as-soon-as-possible. Failure to make such
10 report is shall--be a petty business offense with a fine of
11 \$1,000.

12 (a-5) A commercial computer technician, management
13 information technician, or Interactive computer service
14 employee shall be forever held harmless from any civil
15 liability for his or her reasonable compliance with the
16 provisions of the Section, except for willful and wanton
17 behavior.

18 (b) In this Section:

19 "Computer" has the meaning ascribed to it in Section
20 16D-2 of this Code.

21 "Internet" means the international computer network of
22 both federal and non-federal interoperable packet switched
23 data networks, and also includes, but is not limited to, a
24 World Wide Web page, newsgroup, message board, mailing list,
25 or chat area on any Interactive computer service or system or
26 other inline service.

27 "Interactive computer service" means any service whose
28 principal business is to provide or enable computer access
29 via the Internet by multiple users to a computer server or
30 similar device used for storage of graphic, video, or images.

31 (Source: P.A. 84-1280.)