



Rep. Maria Antonia Berrios

Filed: 4/23/2008

09500HB5687ham002

LRB095 19968 RLC 49680 a

1 AMENDMENT TO HOUSE BILL 5687

2 AMENDMENT NO. _____. Amend House Bill 5687, AS AMENDED, by
3 replacing the introductory clause of Section 5 with the
4 following:

5 "Section 5. The Criminal code of 1961 is amended by
6 changing Sections 11-9.4, 11-21, 11-23, and 11-24 and by adding
7 Sections 10-8.1 and 11-6.6 as follows:"; and

8 in paragraph (1) of subsection (b) of Sec. 10-8.1 of Section 5,
9 by replacing "age; or" with "age, other than for a lawful
10 purpose under Illinois law; or; and

11 in paragraph (2) of subsection (b) of Sec. 10-8.1 of Section 5,
12 by replacing the period with ", other than for a lawful purpose
13 under Illinois law."; and

14 by inserting after subsection (b) of Sec. 10-8.1 of Section 5
15 the following:

1 "(b-5) Telecommunications carriers, commercial mobile
2 service providers, and providers of information services,
3 including, but not limited to, Internet service providers and
4 hosting service providers, are not liable under this Section,
5 except for willful and wanton misconduct, by virtue of the
6 transmission, storage, or caching of electronic communications
7 or messages of others or by virtue of the provision of other
8 related telecommunications, commercial mobile services, or
9 information services used by others in violation of this
10 Section."; and

11 in subsection (a) of Sec. 11-6.6 of Section 5, by replacing
12 "for other than a lawful purpose under Illinois law" with "for
13 a purpose other than a lawful purpose under Illinois law"; and

14 in subsection (b-7) of Sec. 11-9.4 of Section 5 by inserting
15 after "communicate" the following:

16 ", other than for a lawful purpose under Illinois law"; and

17 by deleting all of Sec. 11-20.1 of Section 5; and

18 by inserting after subsection (g) of Sec. 11-21 of Section 5
19 the following:

20 "(h) Telecommunications carriers, commercial mobile
21 service providers, and providers of information services,
22 including, but not limited to, Internet service providers and

1 hosting service providers, are not liable under this Section,
2 except for willful and wanton misconduct, by virtue of the
3 transmission, storage, or caching of electronic communications
4 or messages of others or by virtue of the provision of other
5 related telecommunications, commercial mobile services, or
6 information services used by others in violation of this
7 Section.

8 (720 ILCS 5/11-23)

9 Sec. 11-23. Posting of identifying or graphic information
10 on a pornographic Internet site or possessing graphic
11 information with pornographic material.

12 (a) A person at least 17 years of age who discloses on an
13 adult obscenity or child pornography Internet site the name,
14 address, telephone number, or e-mail address of a person under
15 17 years of age at the time of the commission of the offense or
16 of a person at least 17 years of age without the consent of the
17 person at least 17 years of age is guilty of the offense of
18 posting of identifying information on a pornographic Internet
19 site.

20 (a-5) Any person who places, posts, reproduces, or
21 maintains on an adult obscenity or child pornography Internet
22 site a photograph, video, or digital image of a person under 18
23 years of age that is not child pornography under Section
24 11-20.1, without the knowledge and consent of the person under
25 18 years of age, is guilty of the offense of posting of graphic

1 information on a pornographic Internet site. This provision
2 applies even if the person under 18 years of age is fully or
3 properly clothed in the photograph, video, or digital image.

4 (a-10) Any person who places, posts, reproduces, or
5 maintains on an adult obscenity or child pornography Internet
6 site, or possesses with obscene or child pornographic material
7 a photograph, video, or digital image of a person under 18 year
8 of age in which the child is posed in a suggestive manner with
9 the focus or concentration of the image on the child's clothed
10 genitals, clothed pubic area, clothed buttocks area, or if the
11 child is female, the breast exposed through transparent
12 clothing, and the photograph, video, or digital image is not
13 child pornography under Section 11-20.1, is guilty of posting
14 of graphic information on a pornographic Internet site or
15 possessing graphic information with pornographic material.

16 (b) Sentence. A person who violates subsection (a) of this
17 Section is guilty of a Class 4 felony if the victim is at least
18 17 years of age at the time of the offense and a Class 3 felony
19 if the victim is under 17 years of age at the time of the
20 offense. A person who violates subsection (a-5) of this Section
21 is guilty of a Class 4 felony. A person who violates subsection
22 (a-10) of this Section is guilty of a Class 3 felony.

23 (c) Definitions. For purposes of this Section:

24 (1) "Adult obscenity or child pornography Internet
25 site" means a site on the Internet that contains material
26 that is obscene as defined in Section 11-20 of this Code or

1 that is child pornography as defined in Section 11-20.1 of
2 this Code.

3 (2) "Internet" includes the World Wide Web, electronic
4 mail, a news group posting, or Internet file transfer.

5 (Source: P.A. 91-222, eff. 7-22-99.)"; and

6 by replacing all of subsection (b) of Sec. 11-24 with the
7 following:

8 (b) It is unlawful for a child sex offender to knowingly:

9 (1) conduct or operate any type of business in which he
10 or she photographs, videotapes, or takes a digital image of
11 a child; or

12 (2) conduct or operate any type of business in which he
13 or she instructs or directs another person to photograph,
14 videotape, or take a digital image of a child; or -

15 (3) photograph, videotape, or take a digital image of a
16 child, or instruct or direct another person to photograph,
17 videotape, or take a digital image of a child without the
18 consent of the parent or guardian."; and

19 by deleting the index.