

1 AN ACT concerning 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 adding
5 Section 11-20.4 as follows:

6 (720 ILCS 5/11-20.4 new)

7 Sec. 11-20.4. Dissemination of nude images; written
8 consent.

9 (a) Elements of the offense. It is unlawful for a person to
10 upload on the Internet an electronic nude image of another
11 person without the written consent of the person whose nude
12 image was uploaded and with the intent to injure the reputation
13 of the other person or with the intent to cause emotional
14 distress to the other person.

15 (b) It is unlawful for a person to disseminate a video
16 recording of another person without the written consent of the
17 person whose nude image was disseminated and with the intent to
18 injure the reputation of the other person or with the intent to
19 cause emotional distress to the other person.

20 (c) Sentence. A person who violates this Section is guilty
21 of a Class A misdemeanor.

22 (d) Exemptions. Nothing in this Section shall be construed
23 to prohibit:

1 (1) the dissemination of a nude image of an infant or
2 toddler that is not child pornography under Section
3 11-20.1; or

4 (2) the depiction of a nude image in a museum or place
5 of worship that is not obscenity under Section 11-20 or
6 child pornography under Section 11-20.1.

7 (e) Definitions. For the purposes of this Section:

8 "Computer", "computer program", and "data" have the
9 meanings ascribed to them in Section 16D-2 of this Code.

10 "Depiction" means a computer program or data that,
11 after being processed by a computer either alone or in
12 conjunction with one or more computer programs, results in
13 a visual depiction on a computer monitor, screen, or
14 display.

15 "Disseminate" means (i) to sell, distribute, exchange,
16 or transfer possession, whether with or without
17 consideration or (ii) to make a depiction by computer
18 available for distribution or downloading through the
19 facilities of any telecommunications network or through
20 any other means of transferring computer programs or data
21 to a computer.

22 "Internet" has the meaning ascribed to it in Section
23 16J-5 of this Code.

24 "Nude image" means a depiction that exposes the male
25 genitals or buttocks or the female genitals, breasts, or
26 buttocks.