



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5164

Introduced 1/29/2010, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-27 new

Amends the Criminal Code of 1961. Provides that it is unlawful for a minor under 17 years of age to knowingly disseminate any material that depicts nudity or other sexual conduct by electronic transfer or capture of images of the person's self image or image of another minor under 17 years of age. Provides that it is unlawful for a minor under 17 years of age to knowingly request another minor under 17 years of age to violate this provision and distribute that image or images to another person or persons. Provides that it is unlawful for a minor under 17 years of age to knowingly obtain an image in violation of these provisions and distribute the image or images by means of uploading the nude image on an Internet website with the intent to injure the reputation of the other person or with the intent to cause emotional distress to the other person or with the intent to profit from the display of the image and to maintain an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours. Establishes penalties.

LRB096 18044 RLC 33416 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 11-27 as follows:

6 (720 ILCS 5/11-27 new)

7 Sec. 11-27. Electronic transfer or capture of harmful
8 material by a minor.

9 (a) It is unlawful for a minor under 17 years of age to
10 knowingly disseminate any material that depicts nudity or other
11 sexual conduct by electronic transfer or capture of images of
12 the person's self image or image of another minor under 17
13 years of age.

14 (b) It is unlawful for a minor under 17 years of age to
15 knowingly request another minor under 17 years of age to
16 violate subsection (a) and distribute that image or images to
17 another person or persons.

18 (c) It is unlawful for a minor under 17 years of age to
19 knowingly obtain an image in violation of subsection (a) or (b)
20 and distribute the image or images by means of uploading the
21 nude image on an Internet website with the intent to injure the
22 reputation of the other person or with the intent to cause
23 emotional distress to the other person or with the intent to

1 profit from the display of the image and to maintain an
2 Internet website or webpage which is accessible to one or more
3 third parties for a period of at least 24 hours.

4 (d) Sentence.

5 (1) A first violation of subsection (a) or (b) of this
6 Section is a Class C misdemeanor.

7 (2) A second or subsequent violation of subsection (a)
8 or (b) of this Section is a Class B misdemeanor.

9 (3) A first violation of subsection (c) of this Section
10 is a Class A misdemeanor.

11 (4) A second or subsequent violation of subsection (c)
12 of this Section is a Class 4 felony.

13 (5) In addition to any other criminal penalties that
14 may be imposed, the court may order a minor convicted of or
15 placed on supervision for a violation of subsection (a),
16 (b), or (c) of this Section to complete a fee based (not to
17 exceed \$75) diversion program that addresses the issues
18 giving rise to the violation. In addition to any other
19 criminal penalties that may be imposed, the court may
20 require a minor committing a second or subsequent violation
21 of subsection (a) or (b) to suspend the use, possession,
22 control, or operation of any electronic telecommunication
23 device for a period not to exceed 6 months, except that
24 use, possession, control, or operation of an electronic
25 telecommunication device for a life threatening emergency
26 shall be permitted.