

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 2012 is amended by adding  
5 Section 11-23.5 as follows:

6 (720 ILCS 5/11-23.5 new)

7 Sec. 11-23.5. Non-consensual dissemination of private  
8 sexual images.

9 (a) Definitions. For the purposes of this Section:

10 "Computer", "computer program", and "data" have the  
11 meanings ascribed to them in Section 17-0.5 of this Code.

12 "Image" includes a photograph, film, videotape,  
13 digital recording, or other depiction or portrayal of an  
14 object, including a human body.

15 "Intimate parts" means the fully unclothed, partially  
16 unclothed or transparently clothed genitals, pubic area,  
17 anus, or if the person is female, a partially or fully  
18 exposed nipple, including exposure through transparent  
19 clothing.

20 "Sexual act" means sexual penetration, masturbation,  
21 or sexual activity.

22 "Sexual activity" means any:

23 (1) knowing touching or fondling by the victim or

1 another person or animal, either directly or through  
2 clothing, of the sex organs, anus, or breast of the  
3 victim or another person or animal for the purpose of  
4 sexual gratification or arousal; or

5 (2) any transfer or transmission of semen upon any  
6 part of the clothed or unclothed body of the victim,  
7 for the purpose of sexual gratification or arousal of  
8 the victim or another; or

9 (3) an act of urination within a sexual context; or

10 (4) any bondage, fetter, or sadism masochism; or

11 (5) sadomasochism abuse in any sexual context.

12 (b) A person commits non-consensual dissemination of  
13 private sexual images when he or she:

14 (1) intentionally disseminates an image of another  
15 person:

16 (A) who is at least 18 years of age; and

17 (B) who is identifiable from the image itself or  
18 information displayed in connection with the image;  
19 and

20 (C) who is engaged in a sexual act or whose  
21 intimate parts are exposed, in whole or in part; and

22 (2) obtains the image under circumstances in which a  
23 reasonable person would know or understand that the image  
24 was to remain private; and

25 (3) knows or should have known that the person in the  
26 image has not consented to the dissemination.

1       (c) The following activities are exempt from the provisions  
2 of this Section:

3           (1) The intentional dissemination of an image of  
4 another identifiable person who is engaged in a sexual act  
5 or whose intimate parts are exposed when the dissemination  
6 is made for the purpose of a criminal investigation that is  
7 otherwise lawful.

8           (2) The intentional dissemination of an image of  
9 another identifiable person who is engaged in a sexual act  
10 or whose intimate parts are exposed when the dissemination  
11 is for the purpose of, or in connection with, the reporting  
12 of unlawful conduct.

13           (3) The intentional dissemination of an image of  
14 another identifiable person who is engaged in a sexual act  
15 or whose intimate parts are exposed when the images involve  
16 voluntary exposure in public or commercial settings.

17           (4) The intentional dissemination of an image of  
18 another identifiable person who is engaged in a sexual act  
19 or whose intimate parts are exposed when the dissemination  
20 serves a lawful public purpose.

21       (d) Nothing in this Section shall be construed to impose  
22 liability upon the following entities solely as a result of  
23 content or information provided by another person:

24           (1) an interactive computer service, as defined in 47  
25 U.S.C. 230(f)(2);

26           (2) a provider of public mobile services or private

1 radio services, as defined in Section 13-214 of the Public  
2 Utilities Act; or

3 (3) a telecommunications network or broadband  
4 provider.

5 (e) A person convicted under this Section is subject to the  
6 forfeiture provisions in Article 124B of the Code of Criminal  
7 Procedure of 1963.

8 (f) Sentence. Non-consensual dissemination of private  
9 sexual images is a Class 4 felony.

10 Section 10. The Code of Criminal Procedure of 1963 is  
11 amended by changing Sections 124B-10 and 124B-500 as follows:

12 (725 ILCS 5/124B-10)

13 Sec. 124B-10. Applicability; offenses. This Article  
14 applies to forfeiture of property in connection with the  
15 following:

16 (1) A violation of Section 10-9 or 10A-10 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012  
18 (involuntary servitude; involuntary servitude of a minor;  
19 or trafficking in persons).

20 (2) A violation of subdivision (a)(1) of Section  
21 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 (promoting juvenile prostitution) or a violation of  
23 Section 11-17.1 of the Criminal Code of 1961 (keeping a  
24 place of juvenile prostitution).

1           (3) A violation of subdivision (a)(4) of Section  
2 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 (promoting juvenile prostitution) or a violation of  
4 Section 11-19.2 of the Criminal Code of 1961 (exploitation  
5 of a child).

6           (4) A second or subsequent violation of Section 11-20  
7 of the Criminal Code of 1961 or the Criminal Code of 2012  
8 (obscenity).

9           (5) A violation of Section 11-20.1 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012 (child pornography).

11           (6) A violation of Section 11-20.1B or 11-20.3 of the  
12 Criminal Code of 1961 (aggravated child pornography).

13           (6.5) A violation of Section 11-23.5 of the Criminal  
14 Code of 2012.

15           (7) A violation of Section 12C-65 of the Criminal Code  
16 of 2012 or Article 44 of the Criminal Code of 1961  
17 (unlawful transfer of a telecommunications device to a  
18 minor).

19           (8) A violation of Section 17-50 or Section 16D-5 of  
20 the Criminal Code of 2012 or the Criminal Code of 1961  
21 (computer fraud).

22           (9) A felony violation of Section 17-6.3 or Article 17B  
23 of the Criminal Code of 2012 or the Criminal Code of 1961  
24 (WIC fraud).

25           (10) A felony violation of Section 48-1 of the Criminal  
26 Code of 2012 or Section 26-5 of the Criminal Code of 1961

1 (dog fighting).

2 (11) A violation of Article 29D of the Criminal Code of  
3 1961 or the Criminal Code of 2012 (terrorism).

4 (12) A felony violation of Section 4.01 of the Humane  
5 Care for Animals Act (animals in entertainment).

6 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
7 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
8 1-1-13; 97-1150, eff. 1-25-13.)

9 (725 ILCS 5/124B-500)

10 Sec. 124B-500. Persons and property subject to forfeiture.  
11 A person who commits ~~the offense of~~ child pornography, ~~or~~  
12 aggravated child pornography, or non-consensual dissemination  
13 of private sexual images under Section 11-20.1, 11-20.1B, ~~or~~  
14 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012 shall forfeit the following property to  
16 the State of Illinois:

17 (1) Any profits or proceeds and any property the person  
18 has acquired or maintained in violation of Section 11-20.1,  
19 11-20.1B, ~~or~~ 11-20.3, or 11-23.5 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 that the sentencing court  
21 determines, after a forfeiture hearing under this Article,  
22 to have been acquired or maintained as a result of child  
23 pornography, ~~or~~ aggravated child pornography, or  
24 non-consensual dissemination of private sexual images.

25 (2) Any interest in, securities of, claim against, or

1 property or contractual right of any kind affording a  
2 source of influence over any enterprise that the person has  
3 established, operated, controlled, or conducted in  
4 violation of Section 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or  
5 11-23.5 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 that the sentencing court determines, after a  
7 forfeiture hearing under this Article, to have been  
8 acquired or maintained as a result of child pornography, ~~or~~  
9 aggravated child pornography, or non-consensual  
10 dissemination of private sexual images.

11 (3) Any computer that contains a depiction of child  
12 pornography in any encoded or decoded format in violation  
13 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012. For purposes of  
15 this paragraph (3), "computer" has the meaning ascribed to  
16 it in Section 17-0.5 of the Criminal Code of 2012.

17 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15.)