

1 AN ACT concerning posting of information on an Internet
2 site.

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

5 Section 5. The Criminal Code of 2012 is amended by changing
6 Section 11-23 as follows:

7 (720 ILCS 5/11-23)

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

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

20 (a-5) Any person who knowingly places, posts, reproduces,
21 or maintains on an adult obscenity or child pornography
22 Internet site a photograph, video, or digital image of a person
23 under 18 years of age that is not child pornography under

1 Section 11-20.1, without the knowledge and consent of the
2 person under 18 years of age, is guilty of posting of graphic
3 information on a pornographic Internet site. This provision
4 applies even if the person under 18 years of age is fully or
5 properly clothed in the photograph, video, or digital image.

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

19 (a-15)(1) Any person who knowingly, with intent to cause
20 emotional distress, places, posts, or reproduces on an Internet
21 site a photograph, video, or digital image of a person, who is
22 18 years of age or older, in a state of nudity, in a state of
23 sexual excitement, or engaged in any act of sexual conduct or
24 sexual penetration, without the knowledge and consent of that
25 person, is guilty of posting private material.

26 (2) Nothing in this subsection (a-15) shall be construed to

1 impose liability for content or information provided by another
2 person upon:

3 (A) an interactive computer service, as defined in 47
4 U.S.C. 230 (f) (2);

5 (B) a provider of public or private mobile service, as
6 defined in Section 13-214 of the Public Utilities Act; or

7 (C) a telecommunications network provider.

8 (3) Nothing in this subsection (a-15) shall be construed to
9 impose liability on the news media for publication of images or
10 videos that are of substantial public interest.

11 (b) Sentence. A person who violates subsection (a) of this
12 Section is guilty of a Class 4 felony if the victim is at least
13 17 years of age at the time of the offense and a Class 3 felony
14 if the victim is under 17 years of age at the time of the
15 offense. A person who violates subsection (a-5) or (a-15) of
16 this Section is guilty of a Class 4 felony. A person who
17 violates subsection (a-10) of this Section is guilty of a Class
18 3 felony.

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

20 (1) "Adult obscenity or child pornography Internet
21 site" means a site on the Internet that contains material
22 that is obscene as defined in Section 11-20 of this Code or
23 that is child pornography as defined in Section 11-20.1 of
24 this Code.

25 (2) "Internet" has the meaning set forth in Section
26 16-0.1 of this Code.

1 (3) "News media" means a newspaper or other periodical
2 issued at regular intervals whether in print or electronic
3 format, a news service whether in print or electronic
4 format, a radio station, a television station, a television
5 network, a community antenna television service, or a
6 person or corporation engaged in making news reels or other
7 motion picture news for public showing.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)