



Sen. Michael E. Hastings

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09800SB2694sam002

LRB098 17939 RLC 56094 a

1 AMENDMENT TO SENATE BILL 2694

2 AMENDMENT NO. _____. Amend Senate Bill 2694, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by
6 changing 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

1 consent of the person at least 17 years of age is guilty of
2 posting of identifying information on a pornographic Internet
3 site.

4 (a-5) Any person who knowingly places, posts, reproduces,
5 or maintains on an adult obscenity or child pornography
6 Internet site a photograph, video, or digital image of a person
7 under 18 years of age that is not child pornography under
8 Section 11-20.1, without the knowledge and consent of the
9 person under 18 years of age, is guilty of posting of graphic
10 information on a pornographic Internet site. This provision
11 applies even if the person under 18 years of age is fully or
12 properly clothed in the photograph, video, or digital image.

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

26 (a-15)(1) Any person who knowingly, with intent to cause

1 emotional distress, places, posts, or reproduces on an Internet
2 site a photograph, video, or digital image of a person, who is
3 18 years of age or older, in a state of nudity, in a state of
4 sexual excitement, or engaged in any act of sexual conduct or
5 sexual penetration, without the knowledge and consent of that
6 person, is guilty of posting private material.

7 (2) Nothing in this subsection (a-15) shall be construed to
8 impose liability for content or information provided by another
9 person upon:

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

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

14 (C) a telecommunications network provider.

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

18 (b) Sentence. A person who violates subsection (a) of this
19 Section is guilty of a Class 4 felony if the victim is at least
20 17 years of age at the time of the offense and a Class 3 felony
21 if the victim is under 17 years of age at the time of the
22 offense. A person who violates subsection (a-5) or (a-15) of
23 this Section is guilty of a Class 4 felony. A person who
24 violates subsection (a-10) of this Section is guilty of a Class
25 3 felony.

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

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

6 (2) "Internet" has the meaning set forth in Section
7 16-0.1 of this Code.

8 (3) "News media" means a newspaper or other periodical
9 issued at regular intervals whether in print or electronic
10 format, a news service whether in print or electronic
11 format, a radio station, a television station, a television
12 network, a community antenna television service, or a
13 person or corporation engaged in making news reels or other
14 motion picture news for public showing.

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