



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4583

by Rep. Darlene J. Senger

#### 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 a violation is a Class B misdemeanor. 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 a violation is a Class A misdemeanor. 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 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. Provides that a violation is a Class 4 felony. Permits the court to impose additional specified penalties.

LRB096 13244 RLC 27910 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 and to maintain an

1 Internet website or webpage which is accessible to one or more  
2 third parties for a period of at least 24 hours.

3 (d) Sentence.

4 (1) A violation of subsection (a) of this Section is a  
5 Class B misdemeanor.

6 (2) A violation of subsection (b) of this Section is a  
7 Class A misdemeanor.

8 (3) A violation of subsection (c) of this Section is a  
9 Class 4 felony.

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