



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5106

Introduced 2/10/2026, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26.5-0.1  
720 ILCS 5/26.5-3

Amends the Criminal Code of 2012. Provides that a person also commits harassment through electronic communications when he or she uses electronic communication to transmit to any person a deepfake with intent to harass. Defines "deepfake".

LRB104 17992 RLC 31429 b

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  
5 changing Sections 26.5-0.1 and 26.5-3 as follows:

6 (720 ILCS 5/26.5-0.1)

7 Sec. 26.5-0.1. Definitions. As used in this Article:

8 "Deepfake" means an image, audio recording, or video  
9 recording of an individual's appearance, conduct, or spoken  
10 words that has been created or manipulated with machine  
11 learning, natural language processing, or another  
12 computational processing technique in a manner to create a  
13 realistic but false image, audio, or video that:

14 (1) appears to a reasonable person to depict a real  
15 individual saying or doing something that did not actually  
16 occur; or

17 (2) provides a fundamentally different understanding  
18 or impression of an individual's appearance, conduct, or  
19 spoken words than the understanding a reasonable person  
20 would have from an unaltered, original version of the  
21 media.

22 "Electronic communication" means any transfer of signs,  
23 signals, writings, images, sounds, data or intelligence of any

1 nature transmitted in whole or in part by a wire, radio,  
2 electromagnetic, photoelectric or photo-optical system.  
3 "Electronic communication" includes transmissions through an  
4 electronic device including, but not limited to, a telephone,  
5 cellular phone, computer, or pager, which communication  
6 includes, but is not limited to, e-mail, instant message, text  
7 message, or voice mail.

8 "Family or household member" includes spouses, former  
9 spouses, parents, children, stepchildren and other persons  
10 related by blood or by present or prior marriage, persons who  
11 share or formerly shared a common dwelling, persons who have  
12 or allegedly share a blood relationship through a child,  
13 persons who have or have had a dating or engagement  
14 relationship, and persons with disabilities and their personal  
15 assistants. For purposes of this Article, neither a casual  
16 acquaintanceship nor ordinary fraternization between 2  
17 individuals in business or social contexts shall be deemed to  
18 constitute a dating relationship.

19 "Harass" or "harassing" means knowing conduct which is not  
20 necessary to accomplish a purpose that is reasonable under the  
21 circumstances, that would cause a reasonable person emotional  
22 distress and does cause emotional distress to another.

23 (Source: P.A. 97-1108, eff. 1-1-13.)

24 (720 ILCS 5/26.5-3)

25 Sec. 26.5-3. Harassment through electronic communications.

1 (a) A person commits harassment through electronic  
2 communications when he or she uses electronic communication  
3 for any of the following purposes:

4 (1) Making any comment, request, suggestion or  
5 proposal which is obscene with an intent to offend;

6 (2) Interrupting, with the intent to harass, the  
7 telephone service or the electronic communication service  
8 of any person;

9 (3) Transmitting to any person, with the intent to  
10 harass and regardless of whether the communication is read  
11 in its entirety or at all, any file, document, or other  
12 communication which prevents that person from using his or  
13 her telephone service or electronic communications device;

14 (4) Transmitting an electronic communication or  
15 knowingly inducing a person to transmit an electronic  
16 communication for the purpose of harassing another person  
17 who is under 13 years of age, regardless of whether the  
18 person under 13 years of age consents to the harassment,  
19 if the defendant is at least 16 years of age at the time of  
20 the commission of the offense;

21 (5) Threatening injury to the person or to the  
22 property of the person to whom an electronic communication  
23 is directed or to any of his or her family or household  
24 members; ~~or~~

25 (5.5) Transmitting to any person a deepfake with  
26 intent to harass; or

1           (6) Knowingly permitting any electronic communications  
2           device to be used for any of the purposes mentioned in this  
3           subsection (a).

4           (b) Telecommunications carriers, commercial mobile service  
5           providers, and providers of information services, including,  
6           but not limited to, Internet service providers and hosting  
7           service providers, are not liable under this Section, except  
8           for willful and wanton misconduct, by virtue of the  
9           transmission, storage, or caching of electronic communications  
10          or messages of others or by virtue of the provision of other  
11          related telecommunications, commercial mobile services, or  
12          information services used by others in violation of this  
13          Section.

14          (Source: P.A. 97-1108, eff. 1-1-13.)