



Rep. Jennifer Gong-Gershowitz

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10300HB2123ham001

LRB103 28426 LNS 59164 a

1 AMENDMENT TO HOUSE BILL 2123

2 AMENDMENT NO. _____. Amend House Bill 2123 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Digital Forgeries Act.

6 Section 5. Definitions. As used in this Act:

7 "Digital forgery" means any video or sound recording,
8 electronic image, or photograph, or any technological
9 representation of speech or conduct substantially derivative
10 thereof, that has been materially manipulated, altered, or
11 annotated to falsely appear to a reasonable person to be an
12 authentic record of an act, a statement, or the conduct,
13 absence, or presence of an individual.

14 "Official proceeding" includes any federal, State, local,
15 tribal, administrative adjudication, election, or rulemaking
16 proceeding.

1 Section 10. Civil action.

2 (a) An individual has a cause of action against any person
3 who intentionally distributes a digital forgery depicting that
4 individual, when the person knows or recklessly disregards the
5 fact that it is a digital forgery and without the depicted
6 individual's consent:

7 (1) in order to harass, extort, threaten, or cause
8 physical harm, or substantial emotional or economic harm,
9 to an individual falsely depicted;

10 (2) with reckless disregard for whether such
11 distribution will cause physical harm, or substantial
12 emotional or economic harm, to an individual falsely
13 depicted; or

14 (3) in order to incite violence or interfere with an
15 official proceeding.

16 (b) This Section does not apply to digitally manipulated
17 audiovisual material that is clearly and conspicuously
18 identified to make clear to a reasonable person that it is not
19 an authentic record of an act, a statement, or the conduct,
20 absence, or presence of an individual, such as parody or
21 satire, unless the material appears to be a sexual image as
22 defined in subsection (14) of Section 5 of the Civil Remedies
23 for Nonconsensual Dissemination of Private Sexual Images Act.

24 (c) A depicted individual's consent to the creation of a
25 digital forgery shall not alone establish consent to the

1 distribution of that digital forgery.

2 Section 15. Remedies.

3 (a) Under this Act, a prevailing plaintiff may be awarded:

4 (1) The greater of:

5 (A) economic and noneconomic damages proximately
6 caused by the creation or distribution of the digital
7 forgery, including damages for emotional distress
8 regardless of whether they are accompanied by other
9 damages; or

10 (B) statutory damages not to exceed \$10,000
11 against each defendant found liable under this Act for
12 all disclosures and threatened disclosures by the
13 defendant of which the plaintiff knew or reasonably
14 should have known when filing the action or that
15 became known during the pendency of the action.

16 (2) An amount equal to any monetary gain made by the
17 defendant from the creation, distribution, or solicitation
18 of creation of the digital forgery.

19 (3) Punitive damages.

20 (4) The costs of the action, including reasonable
21 attorney's fees and other reasonable litigation costs.

22 (5) Additional relief, including equitable relief,
23 such as a temporary restraining order, a preliminary
24 injunction, or a permanent injunction ordering the
25 defendant to cease the display or disclosure of the

1 digital forgery.

2 (b) This Act does not affect a right or remedy available
3 under any other law of this State.

4 Section 20. Preservation of anonymity. In ordering relief
5 under this Act, the court may grant injunctive relief
6 maintaining the confidentiality of a plaintiff using a
7 pseudonym.

8 Section 25. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes."