

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the Civil
5 Liability for Doxing Act.

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

7 "Course of conduct" means a pattern of conduct composed of
8 2 or more acts, evidencing a continuity of purpose.

9 "Electronic communication" means any transfer of signs,
10 signals, writing, images, sounds, data, or intelligence of any
11 nature transmitted in whole or in part by a wire, radio,
12 electromagnetic, photoelectronic, or photo-optical system.

13 "Emotional distress" means significant mental suffering,
14 anxiety, or alarm. "Emotional distress" is limited to
15 emotional suffering that is protracted and not merely trivial
16 or transitory.

17 "Family or household member" has the meaning given to the
18 term "family or household members" in Section 103 of the
19 Illinois Domestic Violence Act of 1986.

20 "Personally identifiable information" means any
21 information that can be used to distinguish or trace a
22 person's identity, such as name, prior legal name, alias,
23 mother's maiden name, and date or place of birth in

1 combination with any other information that is linked or
2 linkable to a person such as:

3 (1) social security number, home address, phone
4 number, email address, social media accounts, or biometric
5 data;

6 (2) medical, financial, education, consumer, or
7 employment information, data, or records;

8 (3) any other sensitive or private information that is
9 linked or linkable to a specific identifiable person, such
10 as gender identity, sexual orientation, or any sexually
11 intimate visual depiction; or

12 (4) any information that provides access to a person's
13 teleconferencing, video-teleconferencing, or other
14 digital meeting room.

15 "Post" means to circulate, deliver, distribute,
16 disseminate, transmit, or otherwise make available to 2 or
17 more persons through electronic communication.

18 "Publish" means to circulate, deliver, distribute,
19 disseminate, post, transmit, or otherwise make available to
20 another person. "Publish" does not include writing or
21 electronically communicating to one other person in private
22 communications for which an individual has a reasonable
23 expectation of privacy.

24 "Regularly resides" means residing in the household with
25 some permanency or regular frequency in the person's living
26 arrangement.

1 "Stalk" or "stalking" has the meaning provided in Section
2 12-7.3 of the Criminal Code of 2012, except that "stalking"
3 does not include an activity that is part of a protest that is
4 protected by the United States Constitution or the Illinois
5 Constitution.

6 "Substantial life disruption" means a material and
7 significant alteration of an individual's livelihood.
8 "Substantial life disruption" may include, but is not limited
9 to, moving from an established residence, changing routes to
10 and from work, changing employment or work schedule, or losing
11 time at work or a job.

12 Section 10. Doxing.

13 (a) An individual engages in the act of doxing when that
14 individual intentionally publishes another person's personally
15 identifiable information without the consent of the person
16 whose information is published and:

17 (1) the information is published with the intent that
18 it be used to harm or harass the person whose information
19 is published and with knowledge or reckless disregard that
20 the person whose information is published would be
21 reasonably likely to suffer death, bodily injury, or
22 stalking; and

23 (2) the publishing of the information:

24 (i) causes the person whose information is
25 published to suffer significant economic injury or

1 emotional distress or to fear serious bodily injury or
2 death of the person or a family or household member of
3 the person; or

4 (ii) causes the person whose information is
5 published to suffer a substantial life disruption; and

6 (3) the person whose information is published is
7 identifiable from the published personally identifiable
8 information itself.

9 (b) It is not an offense under this Act for an individual
10 to:

11 (1) provide another person's personally identifiable
12 information or sensitive personal information in
13 connection with the reporting of criminal activity to an
14 employee of a law enforcement agency or in connection with
15 any lawfully authorized investigative, protective, or
16 intelligence activity of any law enforcement agency or of
17 an intelligence agency of the United States and the person
18 making the report reasonably believes the alleged criminal
19 activity occurred or the existing investigative,
20 protective, or intelligence activity is legitimate;

21 (2) disseminate the personally identifiable
22 information for the purpose of, or in connection with, the
23 reporting of conduct reasonably believed to be unlawful;
24 or

25 (3) provide a person's personally identifiable
26 information in connection with activity protected under

1 the United States Constitution or the Illinois
2 Constitution pertaining to speech, press, assembly,
3 protest, and petition, as well as the provision of
4 personally identifiable information to the press.

5 (c) Nothing in this Act shall be construed in any manner
6 to:

7 (1) conflict with Section 230 of Title II of the
8 Communications Act of 1934 (47 U.S.C. 230);

9 (2) conflict with 42 U.S.C. 1983; or

10 (3) prohibit any activity protected under the
11 Constitution of the United States or the Illinois
12 Constitution.

13 Section 15. Civil action.

14 (a) A person who is aggrieved by a violation of this Act
15 may bring a civil action against (i) the individual who
16 committed the offense of doxing or (ii) any individual or
17 entity that directs one or more persons to violate this Act and
18 that knowingly benefits, financially or by receiving anything
19 of value, from participation in a venture that the individual
20 or entity knew involved a violation of this Act.

21 (b) A person who is aggrieved by a violation of this Act
22 may recover damages and any other appropriate relief,
23 including reasonable attorney's fees.

24 (c) An individual who is found liable under this Act shall
25 be jointly and severally liable with each other individual, if

1 any, who is found liable under this Act for damages arising
2 from the same violation of this Act.

3 (d) When a judgment is entered in favor of an individual
4 alleged to have committed the offense of doxing, the court may
5 award reasonable costs and attorney's fees to the defendant
6 for defending any claim that the court finds was brought by the
7 plaintiff and that the court finds was frivolous, baseless, or
8 brought in bad faith.

9 Section 20. Injunctive relief.

10 (a) A court in which a suit is brought under this Act, on
11 the motion of a party, may issue a temporary restraining
12 order, emergency order of protection, or preliminary or
13 permanent injunction to restrain and prevent the disclosure or
14 continued disclosure of a person's personally identifiable
15 information or sensitive personal information. Upon a motion
16 by a party in a civil action brought under this Act, and
17 following a full evidentiary hearing, a court may issue an
18 order pursuant to this Section to prevent the publishing of a
19 person's personally identifiable information or sensitive
20 personal information if the court finds by clear and
21 convincing evidence each of the following:

22 (1) the individual to be enjoined published personally
23 identifiable information or sensitive personal information
24 in violation of this Act;

25 (2) continued or further publishing of the personally

1 identifiable information or sensitive personal information
2 poses a present and ongoing risk of death, bodily injury,
3 or stalking to another individual; and

4 (3) the individual to be enjoined has no lawful or
5 constitutional purpose for continued or further publishing
6 of the personally identifiable information or sensitive
7 personal information.

8 (b) Any injunctive relief granted under this Section shall
9 state the following with sufficient particularity to allow
10 appellate review:

11 (1) the required findings in subsection (a) of Section
12 20 and the evidentiary basis and reasoning for the
13 findings;

14 (2) the expiration date of the injunction, which shall
15 be no more than one year from the date of its entry;

16 (3) that the enjoined individual may seek relief from
17 the injunction, if the court determines, after notice and
18 hearing, that one or more of the required findings in
19 subsection (a) of Section 20 no longer apply; and

20 (4) that the person who sought the injunction may seek
21 an extension of the order of no more than one year if the
22 court determines, after notice and hearing, that the
23 required findings in subsection (a) of Section 20 continue
24 to apply.

25 (c) If a person violates any order issued under this
26 Section, the court, in its discretion, may grant any civil

1 remedy under State law.

2 Section 25. Venue. A civil action may be brought in any
3 county in which an element of the offense occurred, or in which
4 a person resides who is the subject of personally identifiable
5 information published in violation of this Act.

6 Section 30. Constitutionality. The General Assembly does
7 not intend this Act to allow, and this Act shall not allow,
8 actions to be brought against constitutionally protected
9 activity.

10 Section 97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.