

SB2741



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2741

Introduced 1/12/2024, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-20.1-5 new

Amends the Criminal Code of 2012. Creates the offense of unlawful deepfake of a minor engaging in sexual activity. Provides that any person who, with knowledge that the material is a deepfake depicting a minor under 18 years of age, knowingly distributes, advertises, exhibits, exchanges with, promotes, or sells any material that depicts a minor engaging in sexual conduct or sexual penetration is guilty of a Class 1 felony. Provides that if the minor depicted is under 13 years of age, unlawful deepfake of a minor engaging in sexual activity is a Class X felony. Defines terms. Contains a severability provision.

LRB103 35884 RLC 65969 b

A BILL FOR

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 adding
5 Section 11-20.1-5 as follows:

6 (720 ILCS 5/11-20.1-5 new)

7 Sec. 11-20.1-5. Unlawful deepfake of a minor engaging in
8 sexual activity.

9 (a) In this Section:

10 "Deepfake" means any visual media created, altered, or
11 otherwise manipulated in a manner that would falsely appear to
12 a reasonable observer to be an authentic record of the
13 individual's actual speech, conduct, or likeness.

14 "Distribute" means to publish or disseminate, including
15 but not limited to: advertising, exhibiting, exchanging,
16 promoting, or selling deepfake material.

17 "Material" has the meaning given to that term in Section
18 11-21.

19 "Minor" means any natural person under 18 years of age.

20 "Natural person" means a human being with legal
21 personality as distinguished from a person created by digital
22 means or by operation of law.

23 "Recognizable physical characteristics" means an actual

1 minor's face or likeness.

2 "Sexual conduct" and "sexual penetration" have the
3 meanings given to those terms in Section 11-0.1, whether
4 actual or simulated.

5 (b) Any person who, with knowledge that the material is a
6 deepfake depicting a minor, knowingly possesses or distributes
7 material that depicts a minor engaging in sexual conduct or
8 sexual penetration commits unlawful deepfake of a minor
9 engaging in sexual activity.

10 (c) Sentence. Any person who, with knowledge that the
11 material is a deepfake depicting a minor, knowingly
12 distributes, advertises, exhibits, exchanges with, promotes,
13 or sells any material that depicts a minor engaging in sexual
14 conduct or sexual penetration is guilty of a Class 1 felony. If
15 the minor depicted is under 13 years of age, unlawful deepfake
16 of a minor engaging in sexual activity is a Class X felony.

17 (d) Nothing in this Section shall be construed to impose
18 liability on an interactive computer service, as defined in 47
19 U.S.C. 230(f), for information provided by another information
20 content provider.

21 (e) The provisions of this Section shall not preclude
22 prosecution under any other law.

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