



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2537

Introduced 2/20/2009, by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-20.4 new

Amends the Criminal Code of 1961. Provides that it is a Class A misdemeanor for a person to upload on the Internet an electronic nude image of another person without the written consent of the person whose nude image was uploaded and with the intent to injure the reputation of the other person or with the intent to cause emotional distress to the other person. Provides that it is a Class A misdemeanor for a person to disseminate a video recording of another person without the written consent of the person whose nude image was disseminated and with the intent to injure the reputation of the other person or with the intent to cause emotional distress to the other person. Exempts: (1) the dissemination of a nude image of an infant or toddler that is not child pornography; or (2) the depiction of a nude image in a museum or place of worship that is not obscenity or child pornography.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by adding  
5 Section 11-20.4 as follows:

6 (720 ILCS 5/11-20.4 new)

7 Sec. 11-20.4. Dissemination of nude images; written  
8 consent.

9 (a) Elements of the offense. It is unlawful for a person to  
10 upload on the Internet an electronic nude image of another  
11 person without the written consent of the person whose nude  
12 image was uploaded and with the intent to injure the reputation  
13 of the other person or with the intent to cause emotional  
14 distress to the other person.

15 (b) It is unlawful for a person to disseminate a video  
16 recording of another person without the written consent of the  
17 person whose nude image was disseminated and with the intent to  
18 injure the reputation of the other person or with the intent to  
19 cause emotional distress to the other person.

20 (c) Sentence. A person who violates this Section is guilty  
21 of a Class A misdemeanor.

22 (d) Exemptions. Nothing in this Section shall be construed  
23 to prohibit:

1           (1) the dissemination of a nude image of an infant or  
2           toddler that is not child pornography under Section  
3           11-20.1; or

4           (2) the depiction of a nude image in a museum or place  
5           of worship that is not obscenity under Section 11-20 or  
6           child pornography under Section 11-20.1.

7           (e) Definitions. For the purposes of this Section:

8           "Computer", "computer program", and "data" have the  
9           meanings ascribed to them in Section 16D-2 of this Code.

10           "Depiction" means a computer program or data that,  
11           after being processed by a computer either alone or in  
12           conjunction with one or more computer programs, results in  
13           a visual depiction on a computer monitor, screen, or  
14           display.

15           "Disseminate" means (i) to sell, distribute, exchange,  
16           or transfer possession, whether with or without  
17           consideration or (ii) to make a depiction by computer  
18           available for distribution or downloading through the  
19           facilities of any telecommunications network or through  
20           any other means of transferring computer programs or data  
21           to a computer.

22           "Internet" has the meaning ascribed to it in Section  
23           16J-5 of this Code.

24           "Nude image" means a depiction that exposes the male  
25           genitals or buttocks or the female genitals, breasts, or  
26           buttocks.