



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0825

by Rep. Peter Breen

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4.1 new

Amends the Criminal Code of 2012. Creates the offense of criminal distribution of a suicide depiction. Defines "person committing suicide" as a person under 18 years of age or a person with a severe or profound intellectual disability engaged in any act with the intent to commit suicide and which constitutes a substantial step toward commission of suicide and the act results in the person's suicide. Provides that a person commits the offense when he or she knowingly: (1) sells, delivers, or provides or offers or agrees to sell, deliver, or provide an audio or video depiction of a person committing suicide; (2) publishes, exhibits, or otherwise makes available an audio or video depiction of a person committing suicide; (3) creates, buys, procures, or possesses an audio or video depiction of a person committing suicide with intent to disseminate it in violation of this provision, or in violation of the penal laws, rules, or regulations of any other jurisdiction; or (4) advertises or otherwise promotes the sale of an audio or video depiction of a person committing suicide. Establishes affirmative defenses. Provides that a violation is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

LRB100 07424 RLC 17488 b

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 2012 is amended by adding  
5 Section 26-4.1 as follows:

6 (720 ILCS 5/26-4.1 new)

7 Sec. 26-4.1. Criminal distribution of a suicide depiction.

8 (a) For the purposes of this Section, "person committing  
9 suicide" means a person under 18 years of age or a person with  
10 a severe or profound intellectual disability engaged in any act  
11 with the intent to commit suicide and which constitutes a  
12 substantial step toward commission of suicide and the act  
13 results in the person's suicide.

14 (b) A person commits criminal distribution of a suicide  
15 depiction when he or she knowingly:

16 (1) sells, delivers, or provides or offers or agrees to  
17 sell, deliver, or provide an audio or video depiction of a  
18 person committing suicide;

19 (2) publishes, exhibits, or otherwise makes available  
20 an audio or video depiction of a person committing suicide;

21 (3) creates, buys, procures, or possesses an audio or  
22 video depiction of a person committing suicide with the  
23 intent to disseminate it in violation of this Section, or

1 in violation of the penal laws, rules, or regulations of  
2 any other jurisdiction; or

3 (4) advertises or otherwise promotes the sale of an  
4 audio or video depiction of a person committing suicide.

5 (c) It is an affirmative defense to a charge of criminal  
6 distribution of a suicide depiction that the defendant  
7 reasonably believed, under all of the circumstances, that the  
8 person committing suicide was 18 years of age or older or that  
9 the person was not a person with a severe or profound  
10 intellectual disability but only if, prior to the act or acts  
11 giving rise to a violation of this Section, he or she took an  
12 affirmative action or made a bonafide inquiry designed to  
13 ascertain whether the person was 18 years of age or older or  
14 that the person was not a person with a severe or profound  
15 intellectual disability and his or her reliance upon the  
16 information obtained was clearly reasonable.

17 (d) It is not a violation of this Section:

18 (1) for a telecommunications carrier, commercial  
19 mobile service provider, or provider of information  
20 services, including, but not limited to, an Internet  
21 service provider or hosting service provider, to transmit,  
22 store, or cache the electronic communications or messages  
23 of others or provide other related telecommunications,  
24 commercial mobile services, or information services used  
25 by others in violation of this Section; or

26 (2) for law enforcement or prosecuting officers,

1 persons employed by law enforcement or prosecuting  
2 agencies, court personnel, attorneys, bonafide treatment  
3 or professional education or research programs conducted  
4 by licensed physicians, psychologists, social workers,  
5 university professors, or their assistants or agents, to  
6 distribute an audio or video of a person committing suicide  
7 if it is in the performance of the official duties of the  
8 person or program.

9 (e) Sentence. Criminal distribution of a suicide depiction  
10 is a Class A misdemeanor for a first offense and a Class 4  
11 felony for a second or subsequent offense.