

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 11-46 as follows:

6 (720 ILCS 5/11-46 new)

7 Sec. 11-46. Sexual exploitation via non-consensual  
8 dissemination of a sexual act or intimate parts.

9 (a) Definitions. For the purposes of this Section:

10 "Computer", "computer program", and "data" have the  
11 meanings ascribed to them in Section 17-0.5 of this Code.

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

16 "Disseminate" means:

17 (1) to sell, distribute, exchange, or transfer  
18 possession, with or without consideration; or

19 (2) to make a depiction by computer available for  
20 distribution or downloading through the facilities of a  
21 telecommunications network or through any other means of  
22 transferring computer programs or data to a computer.

23 "Image" includes a photograph, film, videotape, digital

1 recording, or other depiction or portrayal of an object,  
2 including a human body.

3 "Intimate parts" means the unclothed genitals, pubic area,  
4 buttocks, or if the person is female, an unclothed fully or  
5 partially developed breast.

6 "Sexual act" means:

7 (1) actually or by simulation engaged in any act of  
8 sexual penetration or sexual conduct with any person or  
9 animal;

10 (2) actually or by simulation engaged in any act of  
11 sexual penetration or sexual conduct involving the sex  
12 organs of the victim and the mouth, anus, or sex organs of  
13 another person or animal; or which involves the mouth,  
14 anus, or sex organs of the victim and the sex organs of  
15 another person or animal;

16 (3) actually or by simulation engaged in any act of  
17 masturbation;

18 (4) actually or by simulation portrayed as being the  
19 object of, or otherwise engaged in, any act of lewd  
20 fondling, touching, or caressing involving another person  
21 or animal;

22 (5) actually or by simulation engaged in any act of  
23 excretion or urination within a sexual context;

24 (6) actually or by simulation portrayed or depicted as  
25 bound, fettered, or subject to sadistic, masochistic, or  
26 sadomasochistic abuse in any sexual context; or

1           (7) depicted or portrayed in any pose, posture, or  
2           setting involving a lewd exhibition of the unclothed or  
3           transparently clothed genitals, pubic area, buttocks, or,  
4           if the person is female, a fully or partially developed  
5           breast.

6           (b) A person commits sexual exploitation via  
7           non-consensual dissemination of a sexual act or intimate parts  
8           when he or she:

9           (1) intentionally disseminates an image of another  
10          person:

11           (A) who is at least 18 years of age;

12           (B) who is identifiable from the image itself or  
13           information displayed in connection with the image;  
14           and

15           (C) who is engaged in a sexual act or whose  
16           intimate parts are exposed; and

17          (2) the person disseminating the image:

18           (A) obtained it under circumstances in which a  
19           reasonable person would know or understand that the  
20           image was to remain private; and

21           (B) knows or should have known that the person in  
22           the image has not consented to the dissemination.

23          (c) Exemptions. The following activities are exempt from  
24          the provisions of this Section.

25           (1) The intentional dissemination of an image of  
26           another identifiable person who is engaged in a sexual act

1 or whose intimate parts are exposed when the dissemination  
2 is made under a criminal investigation that is otherwise  
3 lawful.

4 (2) The intentional dissemination of an image of  
5 another identifiable person who is engaged in a sexual act  
6 or whose intimate parts are exposed when the dissemination  
7 is for the purpose of, or in connection with, the reporting  
8 of unlawful conduct.

9 (3) The intentional dissemination of an image of  
10 another identifiable person who is engaged in a sexual act  
11 or whose intimate parts are exposed where the images  
12 involve voluntary exposure in public or commercial  
13 settings.

14 (4) The intentional dissemination of an image of  
15 another identifiable person who is engaged in a sexual act  
16 or whose intimate parts are exposed when the dissemination  
17 serves a lawful public purpose.

18 (d) Service providers. Nothing in this Section shall be  
19 construed to impose liability upon the following entities  
20 solely as a result of content or information provided by  
21 another person:

22 (1) an interactive computer service, as defined in 47  
23 U.S.C. 230(f)(2);

24 (2) a provider of public or private mobile service, as  
25 defined in Section 13-214 of the Public Utilities Act; or

26 (3) a telecommunications network provider.

1       (e) Sentence. Sexual exploitation via non-consensual  
2 dissemination of a sexual act or intimate parts is a Class 3  
3 felony.

4       (f) Forfeiture. A person convicted under this Section is  
5 subject to the forfeiture provisions in Article 124B of the  
6 Code of Criminal Procedure of 1963.

7       Section 10. The Code of Criminal Procedure of 1963 is  
8 amended by changing Sections 124B-10 and 124B-500 as follows:

9           (725 ILCS 5/124B-10)

10       Sec. 124B-10. Applicability; offenses. This Article  
11 applies to forfeiture of property in connection with the  
12 following:

13           (1) A violation of Section 10-9 or 10A-10 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012  
15 (involuntary servitude; involuntary servitude of a minor;  
16 or trafficking in persons).

17           (2) A violation of subdivision (a)(1) of Section  
18 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012 (promoting juvenile prostitution) or a violation of  
20 Section 11-17.1 of the Criminal Code of 1961 (keeping a  
21 place of juvenile prostitution).

22           (3) A violation of subdivision (a)(4) of Section  
23 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012 (promoting juvenile prostitution) or a violation of

1 Section 11-19.2 of the Criminal Code of 1961 (exploitation  
2 of a child).

3 (4) A second or subsequent violation of Section 11-20  
4 of the Criminal Code of 1961 or the Criminal Code of 2012  
5 (obscenity).

6 (5) A violation of Section 11-20.1 of the Criminal Code  
7 of 1961 or the Criminal Code of 2012 (child pornography).

8 (6) A violation of Section 11-20.1B or 11-20.3 of the  
9 Criminal Code of 1961 (aggravated child pornography).

10 (6.5) A violation of Section 11-46 of the Criminal Code  
11 of 2012.

12 (7) A violation of Section 12C-65 of the Criminal Code  
13 of 2012 or Article 44 of the Criminal Code of 1961  
14 (unlawful transfer of a telecommunications device to a  
15 minor).

16 (8) A violation of Section 17-50 or Section 16D-5 of  
17 the Criminal Code of 2012 or the Criminal Code of 1961  
18 (computer fraud).

19 (9) A felony violation of Section 17-6.3 or Article 17B  
20 of the Criminal Code of 2012 or the Criminal Code of 1961  
21 (WIC fraud).

22 (10) A felony violation of Section 48-1 of the Criminal  
23 Code of 2012 or Section 26-5 of the Criminal Code of 1961  
24 (dog fighting).

25 (11) A violation of Article 29D of the Criminal Code of  
26 1961 or the Criminal Code of 2012 (terrorism).

1           (12) A felony violation of Section 4.01 of the Humane  
2           Care for Animals Act (animals in entertainment).  
3           (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
4           97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
5           1-1-13; 97-1150, eff. 1-25-13.)

6           (725 ILCS 5/124B-500)

7           Sec. 124B-500. Persons and property subject to forfeiture.  
8           A person who commits ~~the offense of~~ promoting juvenile  
9           prostitution, keeping a place of juvenile prostitution,  
10          exploitation of a child, child pornography, ~~or~~ aggravated child  
11          pornography, or sexual exploitation via non-consensual  
12          dissemination of a sexual act or intimate parts under  
13          subdivision (a)(1) or (a)(4) of Section 11-14.4 or under  
14          Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or  
15          11-46 of the Criminal Code of 1961 or the Criminal Code of 2012  
16          shall forfeit the following property to the State of Illinois:

17           (1) Any profits or proceeds and any property the person  
18           has acquired or maintained in violation of subdivision  
19           (a)(1) or (a)(4) of Section 11-14.4 or in violation of  
20           Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or  
21           11-46 of the Criminal Code of 1961 or the Criminal Code  
22           of 2012 that the sentencing court determines, after a  
23           forfeiture hearing under this Article, to have been  
24           acquired or maintained as a result of keeping a place of  
25           juvenile prostitution, exploitation of a child, child

1 pornography, ~~or~~ aggravated child pornography, or sexual  
2 exploitation via non-consensual dissemination of a sexual  
3 act or intimate parts.

4 (2) Any interest in, securities of, claim against, or  
5 property or contractual right of any kind affording a  
6 source of influence over any enterprise that the person has  
7 established, operated, controlled, or conducted in  
8 violation of subdivision (a)(1) or (a)(4) of Section  
9 11-14.4 or in violation of Section 11-17.1, 11-19.2,  
10 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or 11-46 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 that the  
12 sentencing court determines, after a forfeiture hearing  
13 under this Article, to have been acquired or maintained as  
14 a result of keeping a place of juvenile prostitution,  
15 exploitation of a child, child pornography, ~~or~~ aggravated  
16 child pornography, or sexual exploitation via  
17 non-consensual dissemination of a sexual act or intimate  
18 parts.

19 (3) Any computer that contains a depiction of child  
20 pornography in any encoded or decoded format in violation  
21 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012. For purposes of  
23 this paragraph (3), "computer" has the meaning ascribed to  
24 it in Section 17-0.5 of the Criminal Code of 2012.

25 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
26 97-1150, eff. 1-25-13.)