

# SB1716



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1716

Introduced 2/5/2025, by Sen. Michael E. Hastings

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-23.5

Amends the Criminal Code of 2012. Provides that non-consensual dissemination of private sexual images is a Class 3 felony if the person who commits the offense of non-consensual dissemination of private sexual images uses an end-to-end encryption messaging system or device to transmit or disseminate the image to the victim or to another person. Defines "end-to-end encryption messaging system or device". Effective immediately.

LRB104 07853 RLC 17899 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  
5 changing Section 11-23.5 as follows:

6 (720 ILCS 5/11-23.5)

7 Sec. 11-23.5. Non-consensual dissemination of private  
8 sexual images.

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 "End-to-end encryption messaging system or device"  
13 means a method of data transmission in which only the  
14 sender and the intended recipient can access the content  
15 of the communication. "End-to-end encryption messaging  
16 system or device" includes, but is not limited to,  
17 encrypted messaging services, encrypted email, and other  
18 forms of secure communication where data is encrypted  
19 during transmission and can only be decrypted by the  
20 intended recipient.

21 "Image" includes a photograph, film, videotape,  
22 digital recording, or other depiction or portrayal of an  
23 object, including a human body.

1 "Intimate parts" means the fully unclothed, partially  
2 unclothed or transparently clothed genitals, pubic area,  
3 anus, or if the person is female, a partially or fully  
4 exposed nipple, including exposure through transparent  
5 clothing.

6 "Personal identifying information" has the meaning  
7 ascribed to the term in Section 16-0.1.

8 "Sexual act" means sexual penetration, masturbation,  
9 or sexual activity.

10 "Sexual activity" means any:

11 (1) knowing touching or fondling by the victim or  
12 another person or animal, either directly or through  
13 clothing, of the sex organs, anus, or breast of the  
14 victim or another person or animal for the purpose of  
15 sexual gratification or arousal; or

16 (2) any transfer or transmission of semen upon any  
17 part of the clothed or unclothed body of the victim,  
18 for the purpose of sexual gratification or arousal of  
19 the victim or another; or

20 (3) an act of urination within a sexual context;

21 or

22 (4) any bondage, fetter, or sadism masochism; or

23 (5) sadomasochism abuse in any sexual context.

24 (b) A person commits non-consensual dissemination of  
25 private sexual images when he or she:

26 (1) intentionally disseminates an image of another

1 person:

2 (A) (blank); and

3 (B) who is identifiable from the image itself, or  
4 whose personal identifying information is displayed or  
5 disseminated in connection with the image, or whose  
6 identity is known to the person who disseminated the  
7 image; and

8 (C) who is engaged in a sexual act or whose  
9 intimate parts are exposed, in whole or in part; and

10 (2) obtains the image under circumstances in which a  
11 reasonable person would know or understand that the image  
12 was to remain private; and

13 (3) knows or should have known that the person in the  
14 image has not consented to the dissemination.

15 (c) The following activities are exempt from the  
16 provisions of this Section:

17 (1) The intentional dissemination of an image of  
18 another identifiable person who is engaged in a sexual act  
19 or whose intimate parts are exposed when the dissemination  
20 is made for the purpose of a criminal investigation that  
21 is otherwise lawful.

22 (2) The intentional dissemination of an image of  
23 another identifiable person who is engaged in a sexual act  
24 or whose intimate parts are exposed when the dissemination  
25 is for the purpose of, or in connection with, the  
26 reporting of unlawful conduct.

1           (3) The intentional dissemination of an image of  
2 another identifiable person who is engaged in a sexual act  
3 or whose intimate parts are exposed when the images  
4 involve voluntary exposure in public or commercial  
5 settings.

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

10          (d) Nothing in this Section shall be construed to impose  
11 liability upon the following entities solely as a result of  
12 content or information provided by another person:

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

15           (2) a provider of public mobile services or private  
16 radio services, as defined in Section 13-214 of the Public  
17 Utilities Act; or

18           (3) a telecommunications network or broadband  
19 provider.

20          (e) A person convicted under this Section is subject to  
21 the forfeiture provisions in Article 124B of the Code of  
22 Criminal Procedure of 1963.

23          (f) Sentence. Non-consensual dissemination of private  
24 sexual images is a Class 4 felony. Non-consensual  
25 dissemination of private sexual images is a Class 3 felony if  
26 the person who commits the offense of non-consensual

1 dissemination of private sexual images uses an end-to-end  
2 encryption messaging system or device to transmit or  
3 disseminate the image to the victim or to another person.

4

5 (Source: P.A. 103-825, eff. 1-1-25.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.