SB3945

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3945

Introduced 2/6/2026, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.1038 new

Creates the Adult Content Age Verification Act. Provides that a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the Internet from a website that contains a substantial portion of material harmful to minors shall be subject to civil penalties if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material. Provides that the Attorney General may investigate alleged violations and initiate a civil action for an injunction and to assess civil penalties. Provides that the civil penalties shall be deposited into the Cyber Exploitation of Children Fund, which shall be expended for the investigation of cybercrimes involving the exploitation of children. Amends the State Finance Act to make a conforming change.

LRB104 18625 SPS 32068 b

A BILL FOR

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Adult Content Age Verification Act.

Section 5. Definitions. As used in this Act:

"Commercial entity" means a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or another legally recognized entity.

"Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

"Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

"Material harmful to minors" means all of the following:

(1) Material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest.

(2) Any of the following material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of

any of the following, in a manner patently offensive with respect to minors:

(A) Pubic hair, anus, vulva, genitals, or a nipple.

(B) Touching, caressing, or fondling of nipples or breasts, buttocks, anuses, or genitals.

(C) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act.

(3) Material, taken as a whole, that lacks serious literary, artistic, political, or scientific value for minors.

"Minor" means any person under the age of 18.

"News-gathering organization" means any of the following:

(A) An employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this paragraph, who can provide documentation of employment with the newspaper, news publication, or news source.

(B) A radio broadcast station, television broadcast station, cable television operator, wire service, or an employee of a station, operator, or service.

"Publish" means to communicate or make information available to another person or entity on a publicly available

website.

"Reasonable age verification methods" means verifying that a person seeking to access the material is 18 years of age or older by requiring the person attempting to access the material to comply with a commercial age verification system that verifies in any of the following ways:

(1) Government-issued identification.

(2) Any commercially reasonable method that relies on public or private transactional data to verify that the person attempting to access the information is at least 18 years of age or older.

"Substantial portion" means more than 33 1/3% of total material on a website is material harmful to minors.

"Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. "Transactional data" includes, but is not limited to, records from mortgage, education, and employment entities.

Section 10. Publishing or distributing material harmful to minors; age verification.

(a) Any commercial entity that knowingly and intentionally publishes or distributes a substantial portion of material harmful to minors on a website is subject to civil penalties as provided in this Act if the entity fails to perform reasonable

age verification methods to verify the age of an individual attempting to access the material harmful to minors.

(b) The Attorney General may investigate an alleged violation of this Act and initiate a civil action for an injunction and to assess civil penalties. Prior to initiating a civil action, the Attorney General shall provide the commercial entity with not less than 30 days to comply with this Section.

Section 15. Penalties.

(a) If a court finds that a commercial entity violated this Act, the court may assess a civil penalty in an amount of not more than $5,000 for each day of violation. The Attorney General must deposit the civil penalty into the Cyber Exploitation of Children Fund, a special fund that is created in the State treasury, and, subject to funding from civil penalties or appropriation and as directed by the Secretary of State, shall be expended for the investigation of cybercrimes involving the exploitation of children and for no other purpose. In addition to the remedies provided in this Section, the Attorney General may request and the court may impose an additional civil penalty not to exceed $10,000 for each violation of this Act against any commercial entity found by the court to have knowingly failed to perform reasonable age verification methods to verify the age of individuals attempting to access the material. The additional civil

penalty shall also be deposited into the Cyber Exploitation of Children Fund.

(b) Each violation may be treated as a separate violation or may be combined into one violation at the option of the Attorney General.

(c) If a court finds that a commercial entity violated this Act, the court may assess against the commercial entity all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney's fees.

Section 20. Exceptions.

(a) This Act does not apply to any bona fide news or public interest broadcast, website, video, report, or event and shall not be construed to affect the rights of any news-gathering organization.

(b) No Internet service provider, or its affiliates or subsidiaries, search engine, or cloud service provider shall be held to have violated the provisions of this Act solely for providing access or connection to or from a website or other information or content on the Internet or a facility, system, or network not under the control of that provider, including transmission, downloading, intermediate storage, access software, or other related capabilities, to the extent the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

Section 25. The State Finance Act is amended by adding Section 5.1038 as follows:

(30 ILCS 105/5.1038 new)

Sec. 5.1038. The Cyber Exploitation of Children Fund.