



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3553

Introduced 2/17/2023, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

New Act

Creates the Civil Liability for Unsolicited Intimate Images Act. Provides that any person 18 years of age or older who knowingly transmits an intimate image by computer or other electronic means to the computer or electronic communication device of another person 18 years of age or older when such other person has not consented to the use of the other person's computer or electronic communication device for the receipt of such material or has expressly forbidden the receipt of such material shall be considered a trespass and shall be liable to the recipient of the intimate image for actual damages or \$500, whichever is greater. Provides that the Act does not apply to (i) any Internet service provider, mobile data provider, or operator of an online or mobile application, to the extent that such entity is transmitting, routing, or providing connections for electronic communications initiated by or at the direction of another, (ii) any service that transmits an intimate image, including an on-demand, subscription or advertising-supported service, (iii) a health care provider that transmits an intimate image for a legitimate medical purpose, or (iv) any transmission of commercial email. Provides that venue for an action under the Act may lie in the jurisdiction where the intimate image is transmitted from or where the intimate image is received or possessed by the plaintiff.

LRB103 30436 LNS 56867 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the Civil
5 Liability for Unsolicited Intimate Images Act.

6 Section 5. Definitions. As used in this Act:

7 "Electronic communication device" means (i) any type of
8 instrument, device, machine, equipment, or software that is
9 capable of transmitting, acquiring, encrypting, decrypting, or
10 receiving any signs, signals, writings, images, and sounds or
11 intelligence of any nature by wire, radio, optical, or other
12 electromagnetic systems or (ii) any part, accessory, or
13 component of such an instrument, device, machine, equipment,
14 or software, including, but not limited to, any computer
15 circuit, computer chip, security module, smart card,
16 electronic mechanism, or other component, accessory, or part,
17 that is capable of facilitating the transmission, acquisition,
18 encryption, decryption, or reception of signs, signals,
19 writings, images, and sounds or intelligence of any nature by
20 wire, radio, optical, or other electromagnetic systems.

21 "Intimate image" means a photograph, film, video,
22 recording, digital picture, or other visual reproduction of a
23 person 18 years of age or older who is in a state of undress so

1 as to expose the human male or female genitals.

2 Section 10. Unsolicited intimate image liability. Any
3 person 18 years of age or older who knowingly transmits an
4 intimate image by computer or other electronic means to the
5 computer or electronic communication device of another person
6 18 years of age or older when such other person has not
7 consented to the use of the other person's computer or
8 electronic communication device for the receipt of such
9 material or has expressly forbidden the receipt of such
10 material shall be considered a trespass and shall be liable to
11 the recipient of the intimate image for actual damages or
12 \$500, whichever is greater, in addition to reasonable
13 attorney's fees and costs. The court may also enjoin and
14 restrain the defendant from committing such further acts.

15 The remedies provided by this Act are cumulative and shall
16 not be construed as restricting a remedy that is available
17 under any other law.

18 Section 15. Application. The provisions of this Act shall
19 not apply to (i) any Internet service provider, mobile data
20 provider, or operator of an online or mobile application, to
21 the extent that such entity is transmitting, routing, or
22 providing connections for electronic communications initiated
23 by or at the direction of another, (ii) any service that
24 transmits an intimate image, including an on-demand,

1 subscription or advertising-supported service, (iii) a health
2 care provider that transmits an intimate image for a
3 legitimate medical purpose, or (iv) any transmission of
4 commercial email.

5 Section 20. Venue. Venue for an action under this Act may
6 lie in the jurisdiction where the intimate image is
7 transmitted from or where the intimate image is received or
8 possessed by the plaintiff.