



Sen. Mary Edly-Allen

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1 AMENDMENT TO SENATE BILL 382

2 AMENDMENT NO. _____. Amend Senate Bill 382 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Civil Remedies for Nonconsensual
5 Dissemination of Private Sexual Images Act is amended by
6 changing Sections 5 and 15 as follows:

7 (740 ILCS 190/5)

8 (Text of Section before amendment by P.A. 103-294)

9 Sec. 5. Definitions. As used in this Act:

10 (1) "Child" means an unemancipated individual who is less
11 than 18 years of age.

12 (2) "Consent" means affirmative, conscious, and voluntary
13 authorization by an individual with legal capacity to give
14 authorization.

15 (3) "Depicted individual" means an individual whose body
16 is shown, in whole or in part, in a private sexual image.

1 (4) "Dissemination" or "disseminate" means publication or
2 distribution to another person with intent to disclose.

3 (5) "Harm" means physical harm, economic harm, or
4 emotional distress whether or not accompanied by physical or
5 economic harm.

6 (6) "Identifiable" means recognizable by a person other
7 than the depicted individual:

8 (A) from a private sexual image itself; or

9 (B) from a private sexual image and identifying
10 characteristic displayed in connection with the image.

11 (7) "Identifying characteristic" means information that
12 may be used to identify a depicted individual.

13 (8) "Individual" means a human being.

14 (9) "Parent" means an individual recognized as a parent
15 under laws of this State.

16 (10) "Private" means:

17 (A) created or obtained under circumstances in which a
18 depicted individual had a reasonable expectation of
19 privacy; or

20 (B) made accessible through theft, bribery, extortion,
21 fraud, voyeurism, or exceeding authorized access to an
22 account, message, file, device, resource, or property.

23 (11) "Person" means an individual, business or nonprofit
24 entity, public corporation, government or governmental
25 subdivision, agency, or other legal entity.

26 (12) "Sexual conduct" includes:

1 (A) masturbation;

2 (B) genital sex, anal sex, oral sex, or sexual
3 activity; or

4 (C) sexual penetration of or with an object.

5 (13) "Sexual activity" means any:

6 (A) knowing touching or fondling by the depicted
7 individual or another person, either directly or through
8 clothing, of the sex organs, anus, or breast of the
9 depicted individual or another person for the purpose of
10 sexual gratification or arousal;

11 (B) transfer or transmission of semen upon any part of
12 the clothed or unclothed body of the depicted individual,
13 for the purpose of sexual gratification or arousal of the
14 depicted individual or another person;

15 (C) act of urination within a sexual context;

16 (D) bondage, fetish, sadism, or masochism;

17 (E) sadomasochistic abuse in any sexual context; or

18 (F) animal-related sexual activity.

19 (14) "Sexual image" means a photograph, film, videotape,
20 digital recording, or other similar medium that shows:

21 (A) the fully unclothed, partially unclothed, or
22 transparently clothed genitals, pubic area, anus, or
23 female post-pubescent nipple, partially or fully exposed,
24 of a depicted individual; or

25 (B) a depicted individual engaging in or being
26 subjected to sexual conduct or activity.

1 (Source: P.A. 101-556, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 103-294)

3 Sec. 5. Definitions. As used in this Act:

4 (1) "Child" means an unemancipated individual who is less
5 than 18 years of age.

6 (2) "Consent" means affirmative, conscious, and voluntary
7 authorization by an individual with legal capacity to give
8 authorization.

9 (3) "Depicted individual" means an individual whose face
10 or body is shown, in whole or in part, in a private sexual
11 image or digitally altered sexual image.

12 (3.5) "Digitally altered sexual image" means any visual
13 media, including any photograph, film, videotape digital
14 recording, or other similar medium, that is created or
15 substantially altered so that it would falsely appear to a
16 reasonable person to be an authentic depiction of the
17 appearance or conduct, or the absence of the appearance or
18 conduct, of an individual depicted in the media.

19 (4) "Dissemination" or "disseminate" means publication or
20 distribution to another person with intent to disclose.

21 (5) "Harm" means physical harm, economic harm, or
22 emotional distress whether or not accompanied by physical or
23 economic harm.

24 (6) "Identifiable" means recognizable by a person other
25 than the depicted individual:

1 (A) from a private sexual image itself; or

2 (B) from a private sexual image and identifying
3 characteristic displayed in connection with the image.

4 (7) "Identifying characteristic" means information that
5 may be used to identify a depicted individual.

6 (8) "Individual" means a human being.

7 (9) "Parent" means an individual recognized as a parent
8 under laws of this State.

9 (10) "Private" means:

10 (A) created or obtained under circumstances in which a
11 depicted individual had a reasonable expectation of
12 privacy; or

13 (B) made accessible through theft, bribery, extortion,
14 fraud, voyeurism, or exceeding authorized access to an
15 account, message, file, device, resource, or property.

16 (11) "Person" means an individual, business or nonprofit
17 entity, public corporation, government or governmental
18 subdivision, agency, or other legal entity.

19 (12) "Sexual conduct" includes:

20 (A) masturbation;

21 (B) genital sex, anal sex, oral sex, or sexual
22 activity; or

23 (C) sexual penetration of or with an object.

24 (13) "Sexual activity" means any:

25 (A) knowing touching or fondling by the depicted
26 individual or another person, either directly or through

1 clothing, of the sex organs, anus, or breast of the
2 depicted individual or another person for the purpose of
3 sexual gratification or arousal;

4 (B) transfer or transmission of semen upon any part of
5 the clothed or unclothed body of the depicted individual,
6 for the purpose of sexual gratification or arousal of the
7 depicted individual or another person;

8 (C) act of urination within a sexual context;

9 (D) bondage, fetish, sadism, or masochism;

10 (E) sadomasochistic abuse in any sexual context; or

11 (F) animal-related sexual activity.

12 (14) "Sexual image" means a photograph, film, videotape,
13 digital recording, or other similar medium that shows or
14 falsely appears to show:

15 (A) the fully unclothed, partially unclothed, or
16 transparently clothed genitals, pubic area, anus, or
17 female post-pubescent nipple, partially or fully exposed,
18 of a depicted individual; or

19 (B) a depicted individual engaging in or being
20 subjected to sexual conduct or activity.

21 (Source: P.A. 103-294, eff. 1-1-24.)

22 (740 ILCS 190/15)

23 (Text of Section before amendment by P.A. 103-294)

24 Sec. 15. Exceptions to liability.

25 (a) A person is not liable under this Act if the person

1 proves that the dissemination of or a threat to disseminate a
2 private sexual image was:

3 (1) made in good faith:

4 (A) by law enforcement;

5 (B) in a legal proceeding; or

6 (C) for medical education or treatment;

7 (2) made in good faith in the reporting or
8 investigation of:

9 (A) unlawful conduct; or

10 (B) unsolicited and unwelcome conduct; or

11 (3) related to a matter of public concern.

12 (b) Subject to subsection (c), a defendant who is a
13 parent, legal guardian, or individual with legal custody of a
14 child is not liable under this Act for a dissemination or
15 threatened dissemination of an intimate private sexual image
16 of the child.

17 (c) If a defendant asserts an exception to liability under
18 subsection (b), the exception does not apply if the plaintiff
19 proves the disclosure was:

20 (1) prohibited by a law other than this Act; or

21 (2) made for the purpose of sexual arousal, sexual
22 gratification, humiliation, degradation, or monetary or
23 commercial gain.

24 (d) The dissemination of or a threat to disseminate a
25 private sexual image is not a matter of public concern solely
26 because the depicted individual is a public figure.

1 (Source: P.A. 101-556, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 103-294)

3 Sec. 15. Exceptions to liability.

4 (a) A person is not liable under this Act if the person
5 proves that the dissemination of or a threat to disseminate a
6 private sexual image or digitally altered sexual image was:

7 (1) made in good faith:

8 (A) by law enforcement;

9 (B) in a legal proceeding; or

10 (C) for medical education or treatment;

11 (2) made in good faith in the reporting or
12 investigation of:

13 (A) unlawful conduct; or

14 (B) unsolicited and unwelcome conduct; or

15 (3) related to a matter of public concern.

16 (b) Subject to subsection (c), a defendant who is a
17 parent, legal guardian, or individual with legal custody of a
18 child is not liable under this Act for a dissemination or
19 threatened dissemination of an intimate private sexual image
20 of the child.

21 (c) If a defendant asserts an exception to liability under
22 subsection (b), the exception does not apply if the plaintiff
23 proves the disclosure was:

24 (1) prohibited by a law other than this Act; or

25 (2) made for the purpose of sexual arousal, sexual

1 gratification, humiliation, degradation, or monetary or
2 commercial gain.

3 (d) The dissemination of or a threat to disseminate a
4 private sexual image is not a matter of public concern solely
5 because the depicted individual is a public figure or the
6 image is accompanied by a political message.

7 (Source: P.A. 103-294, eff. 1-1-24.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.".