



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1311

Introduced 2/18/2009, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

220 ILCS 5/Art. XXIII heading new
220 ILCS 5/23-101 new
220 ILCS 5/23-105 new
220 ILCS 5/23-110 new
220 ILCS 5/23-115 new
220 ILCS 5/23-120 new

Creates the Internet Service Provider Anti-Pornography Law as a new Article in the Public Utilities Act. Provides that the Illinois Commerce Commission shall require that all internet service providers that provide service to customers in the State shall comply with the Law concerning the prevention of transmission of child pornography. Provides that the Commission shall select a nationwide law enforcement agency to serve as a clearinghouse and compile a continuously updated list of files known to contain child pornography. Provides that the selected law enforcement agency shall inspect the files and makes a judgment that the files are illegal in their jurisdiction before adding them to the registry according to their hash value. Provides that the Commission shall require that internet service providers create and implement software that complies with specified provisions. Provides that an internet service provider that makes a good-faith effort to comply with the Law shall be immune from liability. Provides that the Commission may adopt any rules necessary for administration of the Law.

LRB096 04832 MJR 14897 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning utilities.

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

4 Section 5. The Public Utilities Act is amended by adding
5 Article XXIII as follows:

6 (220 ILCS 5/Art. XXIII heading new)

7 ARTICLE XXIII. INTERNET SERVICE PROVIDER ANTI-CHILD
8 PORNOGRAPHY LAW

9 (220 ILCS 5/23-101 new)

10 Sec. 23-101. Short title. This Article may be cited as the
11 Internet Service Provider Anti-Child Pornography Law.

12 (220 ILCS 5/23-105 new)

13 Sec. 23-105. Definitions. For purposes of this Article:

14 "Child pornography" means child pornography as described
15 in Section 11-20.1 of the Criminal Code of 1961 or aggravated
16 child pornography as described in Section 11-20.3 of the
17 Criminal Code of 1961.

18 "Commission" means the Illinois Commerce Commission.

19 "Global file registry" or "registry" means the
20 continuously updated list of the hash values of files known to
21 contain child pornography that are reviewed and verified as

1 child pornography by a nationwide law enforcement agency.

2 "Hash value" means the unique digital signature assigned to
3 a digital file that can be recognized no matter what the file
4 is named.

5 "Internet service provider" or "ISP" means a person or
6 company that provides a service that combines computer
7 processing, information storage, protocol conversion, and
8 routing with transmission to enable a consumer to access
9 Internet content and services.

10 (220 ILCS 5/23-110 new)

11 Sec. 23-110. Regulation of internet service providers by
12 Commission; establishment of digital clearinghouse.

13 (a) The Commission shall require that all internet service
14 providers that provide service to customers in this State shall
15 comply with this Article concerning the prevention of
16 transmission of child pornography.

17 (b) The Commission shall select a nationwide law
18 enforcement agency to serve as a clearinghouse and compile a
19 continuously updated list of files known to contain child
20 pornography. The selected law enforcement agency shall inspect
21 the files and makes a judgment that the files are illegal in
22 their jurisdiction before adding them to the registry according
23 to their hash value.

24 (c) The Commission shall require that internet service
25 providers create and implement software that complies with the

1 following:

2 (1) Whenever a customer searches the Internet through
3 the World Wide Web, attaches a file to an e-mail, or
4 examines a menu of files using file-sharing software on a
5 peer-to-peer network, the software would compare the hash
6 values of those files against the file registry. The
7 software must not examine the content of the file, but it
8 would determine whether a file, through comparison of the
9 hash value, is digitally identical to a file on the
10 registry.

11 (2) If the file does not match a file on the registry,
12 then the file would be provided to the customer who
13 requested it.

14 (3) If the file did match a file on the registry, then
15 transmission of the file would be blocked by the software.
16 The software shall provide the customer another image,
17 movie, or document that contains or provides only a warning
18 screen explaining that the requested file violates this
19 Article.

20 (220 ILCS 5/23-115 new)

21 Sec. 23-115. Immunity from liability for internet service
22 providers. An internet service provider that make a good-faith
23 effort to comply with this Article shall be immune from
24 liability under this Article.

1 (220 ILCS 5/23-120 new)

2 Sec. 23-120. Rules. The Commission may adopt any rules

3 necessary for administration of this Article.