

Unlawful Distribution of An Image (Revenge Porn)

The Act makes “non-consensual dissemination of private sexual images,” otherwise known as “revenge porn” a Class 4 felony. It is a crime to knowingly post sexually explicit photos, video, voice recordings, etc. of another person online without the person’s consent. Revenge porn is a growing problem due to increased use of social media and other technology. Posts are sexual exploitation and often include names, addresses, e-mail addresses and other information that compromises the safety of victims and their families.

The Act includes exceptions for telecommunications and law enforcement and voluntary exposure in public or commercial settings.

Submitted as:

Illinois

[SB 1009](#)

Status: Signed into law on December 29, 2014.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Non-consensual dissemination of private sexual images.*]

2 (a) Definitions. For the purposes of this Section:

3 “Computer” means a device that accepts, processes, stores, retrieves, or outputs data and
4 includes, but is not limited to, auxiliary storage and telecommunications devices connected to
5 computers.

6 “Computer program” means a series of coded instructions or statements in a form
7 acceptable to a computer which causes the computer to process data and supply the results of
8 the data processing.

9 “Data” means a representation in any form of information, knowledge, facts, concepts, or
10 instructions, including program documentation, which is prepared or has been prepared in a
11 formalized manner and is stored or processed in or transmitted by a computer or in a system
12 or network. Data is considered property and may be in any form, including, but not limited
13 to, printouts, magnetic or optical storage media, punch cards, or data stored internally in the
14 memory of the computer.

15 “Image” includes a photograph, film, videotape, digital recording, or other depiction or
16 portrayal of an object, including a human body.

17 “Intimate parts” means the fully unclothed, partially unclothed or transparently clothed
18 genitals, pubic area, anus, or if the person is female, a partially or fully exposed nipple,
19 including exposure through transparent clothing.

20 “Sexual act” means sexual penetration, masturbation, or sexual activity.

21 “Sexual activity” means any:

22 (1) knowing touching or fondling by the victim or another person or animal,
23 either directly or through clothing, of the sex organs, anus, or breast of the
24 victim or another person or animal for the purpose of sexual gratification or
25 arousal; or

- 1 (2) any transfer or transmission of semen upon any part of the clothed or
2 unclothed body of the victim, for the purpose of sexual gratification or arousal
3 of the victim or another; or
4 (3) an act of urination within a sexual context; or
5 (4) any bondage, fetter, or sadism masochism; or
6 (5) sadomasochism abuse in any sexual context.
- 7 (b) A person commits non-consensual dissemination of private sexual images when he or she:
8 (1) intentionally disseminates an image of another person:
9 (A) who is at least 18 years of age; and
10 (B) who is identifiable from the image itself or information displayed in connection with
11 the image; and
12 (C) who is engaged in a sexual act or whose intimate parts are exposed, in whole or in
13 part; and
14 (2) obtains the image under circumstances in which a reasonable person would know or
15 understand that the image was to remain private; and
16 (3) knows or should have known that the person in the image has not consented to the
17 dissemination.
- 18 (c) The following activities are exempt from the provisions of this Section:
19 (1) The intentional dissemination of an image of another identifiable person who is engaged
20 in a sexual act or whose intimate parts are exposed when the dissemination is made for
21 the purpose of a criminal investigation that is otherwise lawful.
22 (2) The intentional dissemination of an image of another identifiable person who is engaged
23 in a sexual act or whose intimate parts are exposed when the dissemination is for the
24 purpose of, or in connection with, the reporting of unlawful conduct.
25 (3) The intentional dissemination of an image of another identifiable person who is engaged
26 in a sexual act or whose intimate parts are exposed when the images involve voluntary
27 exposure in public or commercial settings.
28 (4) The intentional dissemination of an image of another identifiable person who is engaged
29 in a sexual act or whose intimate parts are exposed when the dissemination serves a
30 lawful public purpose.
- 31 (d) Nothing in this Section shall be construed to impose liability upon the following entities
32 solely as a result of content or information provided by another person:
33 (1) an interactive computer service, as defined in 47 U.S.C. 230(f)(2);
34 (2) a provider of public mobile services or private radio services, as defined in [Insert
35 citation (Public Utilities Act)]; or
36 (3) a telecommunications network or broadband provider.
- 37 (e) A person convicted under this Section is subject to the forfeiture provisions in [Insert
38 Citation (Asset Forfeiture)].
- 39 (f) Sentence. Non-consensual dissemination of private sexual images is a Class 4 felony.

1 Section 2. [*Applicability; offenses; forfeiture of property.*]
2 This Article applies to forfeiture of property in connection with the following:
3 (1) A violation of [Section 1].

4 Section 3. [*Persons and property subject to forfeiture.*]

5 A person who commits child pornography, aggravated child pornography, or non-consensual
6 dissemination of private sexual images under [Insert citations, including Section 1] shall forfeit
7 the following property to the State:

- 8 (1) Any profits or proceeds and any property the person has acquired or maintained in violation
9 of [Insert citations, including Section 1] that the sentencing court determines, after a
10 forfeiture hearing under this Article, to have been acquired or maintained as a result of child
11 pornography, aggravated child pornography, or non-consensual dissemination of private
12 sexual images.
- 13 (2) Any interest in, securities of, claim against, or property or contractual right of any kind
14 affording a source of influence over any enterprise that the person has established, operated,
15 controlled, or conducted in violation of [Insert citations, including Section 1] that the
16 sentencing court determines, after a forfeiture hearing under this Article, to have been
17 acquired or maintained as a result of child pornography, aggravated child pornography, or
18 non-consensual dissemination of private sexual images.
- 19 (3) Any computer that contains a depiction of child pornography in any encoded or decoded
20 format in violation of [Insert citations].