AN ACT concerning posting of information on an Internet site.

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

Section 5. The Criminal Code of 2012 is amended by changing Section 11-23 as follows:

(720 ILCS 5/11-23)

Sec. 11-23. Posting of identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material; posting private material.

(a) A person at least 17 years of age who knowingly discloses on an adult obscenity or child pornography Internet site the name, address, telephone number, or e-mail address of a person under 17 years of age at the time of the commission of the offense or of a person at least 17 years of age without the consent of the person at least 17 years of age is guilty of posting of identifying information on a pornographic Internet site.

(a-5) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site a photograph, video, or digital image of a person under 18 years of age that is not child pornography under
Section 11-20.1, without the knowledge and consent of the person under 18 years of age, is guilty of posting of graphic information on a pornographic Internet site. This provision applies even if the person under 18 years of age is fully or properly clothed in the photograph, video, or digital image.

(a-10) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site, or possesses with obscene or child pornographic material a photograph, video, or digital image of a person under 18 years of age in which the child is posed in a suggestive manner with the focus or concentration of the image on the child's clothed genitals, clothed pubic area, clothed buttocks area, or if the child is female, the breast exposed through transparent clothing, and the photograph, video, or digital image is not child pornography under Section 11-20.1, is guilty of posting of graphic information on a pornographic Internet site or possessing graphic information with pornographic material.

(a-15)(1) Any person who knowingly, with intent to cause emotional distress, places, posts, or reproduces on an Internet site a photograph, video, or digital image of a person, who is 18 years of age or older, in a state of nudity, in a state of sexual excitement, or engaged in any act of sexual conduct or sexual penetration, without the knowledge and consent of that person, is guilty of posting private material.

(2) Nothing in this subsection (a-15) shall be construed to
impose liability for content or information provided by another
person upon:

(A) an interactive computer service, as defined in 47
U.S.C. 230 (f)(2);

(B) a provider of public or private mobile service, as
defined in Section 13-214 of the Public Utilities Act; or

(C) a telecommunications network provider.

(3) Nothing in this subsection (a-15) shall be construed to
impose liability on the news media for publication of images or
videos that are of substantial public interest.

(b) Sentence. A person who violates subsection (a) of this
Section is guilty of a Class 4 felony if the victim is at least
17 years of age at the time of the offense and a Class 3 felony
if the victim is under 17 years of age at the time of the
offense. A person who violates subsection (a-5) or (a-15) of
this Section is guilty of a Class 4 felony. A person who
violates subsection (a-10) of this Section is guilty of a Class
3 felony.

(c) Definitions. For purposes of this Section:

(1) "Adult obscenity or child pornography Internet
site" means a site on the Internet that contains material
that is obscene as defined in Section 11-20 of this Code or
that is child pornography as defined in Section 11-20.1 of
this Code.

(2) "Internet" has the meaning set forth in Section
16-0.1 of this Code.
(3) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)