
Public Safety Committee

HB 2250

Brief Description: Making the distribution of intimate images a crime.

Sponsors: Representatives Morris, Ryu, Morrell, Smith, Carlyle and Ormsby.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a new offense, distributing private images on the Internet.

Hearing Date: 1/31/14

Staff: Sarah Koster (786-7303).

Background:

"Revenge porn" is the phrase commonly used to describe the practice of posting private naked images of another person on the Internet, with the intent of humiliating or inflicting damage on the person pictured. In many instances, the images were taken with the person's consent, but the distribution was not consented to. Two states, New Jersey and California, have enacted laws which specifically target "revenge porn" and bills on this topic have been proposed, but not yet enacted in 19 other states.

A person commits the crime of Voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

- a. another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or
- b. the intimate areas of another person without that person's knowledge or consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

Voyeurism is a class C felony and a sex offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person commits the crime of Cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

1. using any lewd, lascivious, indecent, or obscene words, images or language, or suggesting the commission of any lewd or lascivious acts anonymously or repeatedly whether or not conversation occurs; or
2. threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

Cyberstalking is a gross misdemeanor, except if the cyberstalking contained a death threat or the perpetrator had previously been convicted of a harassment offense against the same victim, a member of the victim's family, or anyone named in a no-contact or no-harassment order, in which case it is a class C felony.

Summary of Bill:

A person commits the crimes of distributing private images on the Internet if he or she:

1. photographs intimate areas of another person;
2. under circumstances where the parties agree or understand that the image shall remain private;
3. the person subsequently distributes the image taken via the internet;
4. with the intent to cause serious emotional distress; and
5. the depicted person suffers emotional distress.

The offense is a class C felony and a sex offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.