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## Public Safety Committee

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### HB 1272

**Brief Description:** Creating the crime of wrongfully distributing intimate images.

**Sponsors:** Representatives Buys, Orwall and Pollet.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Creates the crime of wrongfully distributing intimate images.</li></ul>
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**Hearing Date:** 2/13/15

**Staff:** Cassie Jones (786-7303).

**Background:**

"Revenge porn" is the phrase commonly used to describe sexually explicit media that is publicly shared without the consent of the pictured individual. "Revenge porn" may be uploaded by ex-partners with an intention to shame or embarrass the individual in the image, or by hackers. Thirteen states have enacted laws which specifically target "revenge porn."

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:

1. 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
2. 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.

"Intimate areas" means any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view. Voyeurism is a class C felony and a sex offense.

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*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 class C felony is punishable by up to five years in prison and a \$10,000 fine.  
A gross misdemeanor is punishable by up to 364 days in jail and a \$5,000 fine.  
A misdemeanor is punishable by up to 90 days in jail and a \$1,000 fine.

**Summary of Bill:**

A person commits the crime of wrongfully distributing intimate images if, he or she:

- with intent to cause emotional distress;
- distributes, divulges, or discloses a photograph, film, or other visual image of the intimate areas of another person;
- agreed, understood, or knew or should have known that the person depicted believed that the image would remain private; and
- the person depicted suffers emotional distress.

Wrongfully distributing intimate images is a misdemeanor on the first conviction, a gross misdemeanor on the second conviction, and a class C felony on the third and subsequent conviction. It is also 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.