

FINAL BILL REPORT

2E2SHB 1272

C 7 L 15 E2

Synopsis as Enacted

Brief Description: Concerning the crime of disclosing intimate images.

Sponsors: House Committee on General Government & Information Technology (originally sponsored by Representatives Buys, Orwall and Pollet).

House Committee on Public Safety
House Committee on General Government & Information Technology
Senate Committee on Law & Justice

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 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 \$5000 fine.

Summary:

A person commits the crime of Disclosing Intimate Images when the person knowingly discloses an intimate image of another person and the person disclosing the image:

- obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private;
- knows or should have known that the depicted person has not consented to the disclosure; and
- know or reasonably should know that disclosure would cause harm to the depicted person.

A person who is under the age of 18 years old commits the crime of Disclosing Intimate Images when the person:

- intentionally and maliciously disclosed an intimate image of another person;

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- obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private; and
- knows or should have known that the depicted person has not consented to the disclosure.

The prohibitions do not apply to:

- images involving voluntary exposure in public or commercial settings;
- disclosures made in the public interest including, but not limited to, reporting of unlawful conduct, or the lawful and common practices of law enforcement, criminal reporting, legal proceedings, or medical treatment; or
- an interactive computer service or a public or private mobile service, in regards to content provided by another person.

"Disclosing" means transferring, publishing, disseminating, or making a digital depiction available for distribution or downloading through the facilities of a telecommunications network, or through other means of transferring computer programs or data to a computer.

"Intimate image" means any photograph, film, videotape, digital image, or other record of another person who is identifiable from the image itself or from information displayed with or otherwise connected to the image, and that was taken in a private setting, is not a matter of public concern, and depicts:

- sexual activity, including sexual intercourse and masturbation; or
- a person's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or post-pubescent female nipple.

It is an affirmative defense to a charge of Disclosing Intimate Images if the defendant is a family member of a minor and did not intend harm or harassment in disclosing images of the minor to the defendant's family or friends.

Disclosing intimate images is a gross misdemeanor on the first offense and a class C felony on the second or subsequent offense.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	48	0	(Senate amended)

Second Special Session

House	90	0
Senate	44	0

Effective: September 26, 2015