

# FINAL BILL REPORT

## HB 2384

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Synopsis as Enacted

**Brief Description:** Clarifying the meaning of mobile telecommunications service provider.

**Sponsors:** Representatives Buys, Wylie, Orwall and Rodne.

**House Committee on Technology & Economic Development**  
**Senate Committee on Law & Justice**

### **Background:**

#### Disclosure of Intimate Images.

A person commits the crime of disclosing intimate images if:

1. the person knowingly discloses an intimate image of another person;
2. the image was obtained under circumstances in which a reasonable person would know or understand that the image was to remain private; and
3. the person disclosing the image knows or should have known that the depicted person had not consented to the disclosure.

No liability is imposed upon certain entities when the intimate image disclosed is content provided by a third party. These exempted entities are:

- an interactive computer service, as defined in Section 230 of the Communications Decency Act;
- a provider of public or private mobile service, as defined in "Section 13-214 of the Public Utilities Act"; and
- a telecommunications network or broadband provider.

The criminal prohibition does not apply to images involving voluntary exposure in public or commercial settings, or disclosures made in the public interest, such as the reporting of unlawful conduct.

#### Mobile Telecommunications Service Provider.

Washington business and occupations tax code defines a mobile telecommunications service provider as a facilities-based carrier or reseller with whom the customer contracts for mobile telecommunications services.

### **Summary:**

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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.*

The reference to "Section 13-214 of the Public Utilities Act" is changed. A mobile telecommunications service provider is not subject to liability under the criminal statute prohibiting disclosure of intimate images, when the provider's disclosure is solely a result of content provided by another person.

"Mobile telecommunications service provider" means a facilities-based carrier or reseller with whom the customer contracts for mobile telecommunications services.

**Votes on Final Passage:**

House	97	0
Senate	47	0

**Effective:** June 9, 2016