
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1272

State of Washington

64th Legislature

2015 Regular Session

By House General Government & Information Technology (originally sponsored by Representatives Buys, Orwall, and Pollet)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to the wrongful distribution of intimate images;
2 adding a new chapter to Title 9A RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) A person commits the crime of
5 disclosing intimate images when the person knowingly discloses an
6 intimate image of another person and the person disclosing the image:

7 (a) Obtained it under circumstances in which a reasonable person
8 would know or understand that the image was to remain private; and

9 (b) Knows or should have known that the depicted person has not
10 consented to the disclosure.

11 (2) A person who is under the age of eighteen is not guilty of
12 the crime of disclosing intimate images unless the person:

13 (a) Intentionally and maliciously disclosed an intimate image of
14 another person;

15 (b) Obtained it under circumstances in which a reasonable person
16 would know or understand that the image was to remain private; and

17 (c) Knows or should have known that the depicted person has not
18 consented to the disclosure.

19 (3) This section does not apply to:

20 (a) Images involving voluntary exposure in public or commercial
21 settings; or

1 (b) Disclosures made in the public interest including, but not
2 limited to, the reporting of unlawful conduct, or the lawful and
3 common practices of law enforcement, criminal reporting, legal
4 proceedings, or medical treatment.

5 (4) This section does not impose liability upon the following
6 entities solely as a result of content provided by another person:

7 (a) An interactive computer service, as defined in 47 U.S.C. Sec.
8 230(f)(2);

9 (b) A provider of public or private mobile service, as defined in
10 section 13-214 of the public utilities act; or

11 (c) A telecommunications network or broadband provider.

12 (5) For purposes of this section:

13 (a) "Disclosing" includes transferring, publishing, or
14 disseminating, as well as making a digital depiction available for
15 distribution or downloading through the facilities of a
16 telecommunications network or through any other means of transferring
17 computer programs or data to a computer;

18 (b) "Intimate image" means any photograph, motion picture film,
19 videotape, digital image, or any other recording or transmission of
20 another person who is identifiable from the image itself or from
21 information displayed with or otherwise connected to the image, and
22 that was taken in a private setting, is not a matter of public
23 concern, and depicts:

24 (i) Sexual activity, including sexual intercourse as defined in
25 RCW 9A.44.010 and masturbation; or

26 (ii) A person's intimate body parts, whether nude or visible
27 through less than opaque clothing, including the genitals, pubic
28 area, anus, or post-pubescent female nipple.

29 (6) The crime of disclosing intimate images:

30 (a) Is a gross misdemeanor on the first offense; or

31 (b) Is a class C felony if the defendant has one or more prior
32 convictions for disclosing intimate images.

33 (7) Nothing in this section is construed to:

34 (a) Alter or negate any rights, obligations, or immunities of an
35 interactive service provider under 47 U.S.C. Sec. 230; or

36 (b) Limit or preclude a plaintiff from securing or recovering any
37 other available remedy.

1 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
2 chapter in Title 9A RCW.

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