

David Cahill
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I am a bit under the weather, so I'll share my thoughts on the second draft of H.105 via email if that's ok. We are generally fine with this version. However, the State's Attorneys still need flexibility in proving jurisdiction because it can be hard (sometimes impossible) to prove where the "disclosure" occurred.

I would propose adding subsection (e) as follows:

(e) An offense committed in violation of this section shall be considered to have been committed where the visual image was created, altered, disclosed, downloaded, or viewed.

This is intended to track the enhanced jurisdictional language that is found in 13 VSA 1027.

So, for example, the disclosure of revenge porn could be prosecuted either in the victim's home jurisdiction (where the photo of her was originally taken) or where the victimization actually occurs (where the image is downloaded from the internet or viewed), in addition to where the Bad Guy actually did the uploading.

Thank you,

Dave

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