

States with Revenge Porn Laws- Motive/Intent to Harm Requirements

Of the 13 states that have enacted legislation related to “revenge porn” all, except three states (Arizona, Idaho, & Wisconsin) have included a requirement that the actor must have had intent to cause the victim harm. Maryland however, rephrased the requirement. New York’s is more broad and requires an intent, besides just the intent to harm.

Arizona 2014 H.B. 2515, Chap. 268

13-1425 **No intent to harm requirement**

California 2013 S.B. 255, Chap. 466

§ 647 (j)(4)(A)- the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffered that distress

Colorado 2014 H.B. 1378, Chap. 283

18-7-107 (1)(a)(I) With the intent to harass the depicted person and inflict serious emotional distress upon the depicted person;

Delaware 2014 H.B. 260, Chap. 415

Title 11, § 1335 (a)(9)(b)(4)- aggravating factors:

4. The actor knowingly reproduces, distributes, exhibits, publishes, transmits, or otherwise disseminates such visual depictions with the intent to harass, annoy, or alarm the person depicted and such conduct would cause a reasonable person to suffer significant mental anguish or distress.

Georgia 2014 H.B. 838, Act 519

16-11-90 (b)(1) ...when the transmission or post is intended to cause substantial emotional distress to the depicted person and serves no legitimate purpose to the depicted person

(b)(2) Causes the transmission or posting to the Internet, in one or more transmissions or posts, of a photograph or video which depicts nudity or sexually explicit conduct of an adult when the transmission or post is intended to cause substantial emotional distress to the depicted person and serves no legitimate purpose to the depicted person.

Hawaii 2014 H.B. 1750, Act 116

§711-1110.9 (1)(b) The person knowingly discloses...without the consent of the depicted person, with intent to harm substantially the depicted person with respect to that person’s health, safety, business, calling, career, financial conditions, reputation, or personal relationships;

Idaho 2014 H.B. 563, Chap. 173

§ 18-6609 **No intent to harm requirement**

Maryland 2014 H.B. 43, Chap. 583

they took out the words “with the intent to cause” and rephrased:

3-809 (c) A person may not intentionally cause serious emotional distress to another by intentionally placing on the internet a photograph...

New York 2014 S.B. 1982, Chap. 193

NY Penal § 250.45 (5) For his or her own amusement, entertainment, profit, sexual arousal or gratification, or for the purpose of degrading or abusing a person, the actor intentionally uses or installs or permits the utilization of an imaging device to surreptitiously view, broadcast, or record such person in an identifiable manner

Pennsylvania 2014 H.B. 2107, Act 115

§ 3131 (a) a person commits the offense... if, with intent to harass, annoy or alarm a current or former sexual partner

Utah 2014 H.B. 71, Chap. 124

§ 76-5b-203 (2) An actor commits the offense of distribution of intimate images if the actor, with intent to cause emotional distress or harm

Virginia 2014 H.B. 326, Chap. 399

VA St § 18.2-386.2(A) Any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells

Wisconsin 2014 S.B. 367, Act 243

§ 942.09 (3m) **No intent to harm requirement**