

Vermont Legislative Council

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MEMORANDUM

To: House Committee on Judiciary
From: Michele Childs
Date: April 23, 2015
Subject: Senate Proposal of Amendment to H.105

Section 1. Voyeurism

- No change.

Section 2. Disclosure of sexually explicit images without consent

Subsection (a)

- Added: “Harm” means physical injury, financial injury, or serious emotional distress.
- Redefined “nude” substituting “anus” for “buttocks” and “post-pubescent female nipple” for “female breast below the top of the areola.”

Subsection (b)

- Added: Additional element of showing “the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a reasonable person to suffer harm.” (Revised version of (b)(2) in APBH).
- Changed “knew or should have known the person depicted did not consent to disclosure of the image” to “without consent”
- Eliminated APBH (b)(3) relating to minors.
- Amended felony provision to eliminate “or knowingly maintain an Internet website, online service, online application, or mobile application for the purpose of disclosing such images” and kept profit, adding the word “financial” as a modifier.

Subsection (c)

- No change.

Subsection (d)

- Added: In subdivision (4) pertaining to exemptions, added the word “solely.”

Subsection (e)

- Does not require showing an intent to harm in a civil action.

Sections 3, 4 & 5

- Prohibits a website from extorting a fee to remove a booking photograph.
- Civil offense (like a traffic ticket) with penalties of up to \$1k for first offense and up to \$2.5k for second or subsequent offenses.
- Allows for a civil suit against the perpetrator.

Section 6

- Amends Act 141 from last year to expand the scope of practice for Level II certified law enforcement officers.

Retitled

- The bill is retitled to reflect the changes made by the Senate Committee on Judiciary.