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2013-2014 State Revenge Porn Legislation

As of Dec. 16, 2014

Overview

'Revenge porn' is the posting of nude or sexually explicit photographs or videos of people online without their consent, even if the photograph itself was taken with consent. A spurned spouse, girlfriend or boyfriend may get revenge by uploading photographs to websites, many of which are set up specifically for these kinds of photos or videos. The victim's name, address and links to social media profiles are often included with the images, and some websites charge a fee to have the materials removed.

Twelve states have enacted legislation since 2013: Ariz., Calif., Colo., Del., Ga., Hawaii, Idaho, Md., New York, Penn., Utah, Va., and Wisconsin, as shown below. In addition, New York enacted legislation relating to intimate images that were obtained without consent.

2014 Legislation

Summary: In 2014, bills were introduced or are pending in at least 28 states, the District of Columbia and Puerto Rico in 2014. Legislation has been enacted in Arizona, Colorado, Georgia, Hawaii, Idaho, Maryland, Pennsylvania, Utah, Virginia and Wisconsin.

ALABAMA

H.B. 515

STATUS: Failed - adjourned.

Relates to recording the image of a person; provides that it is unlawful for any person to photograph or record by any means the image of the intimate body part or parts of another identifiable person, under circumstances where the parties agree or understand that the image shall remain private, and the person subsequently distributes the image taken, with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress; provides penalties.

ARIZONA

[H.B. 2515](#)

STATUS: April 30, 2014; Signed by Governor. Chapter 268

Relates to unlawful distribution of private images.

CALIFORNIA

[A.B. 2643](#)

STATUS: Sept. 30, 2014; Signed by Governor. Chapter 859

Creates a private right of action against a person who intentionally or recklessly distributes a photograph or recorded image of another that exposes the intimate body parts of that person or him or her engaged in a sexual act, without his or her consent, if specified conditions are met, including that the person depicted suffer emotional distress.

[S.B. 1255](#)

STATUS: Sept. 30, 2014; Signed by Governor. Chapter 863

Provides that a person who intentionally distributes by any means an image of the uncovered, or visible through less than fully opaque clothing, body part or parts of another identifiable person or an image of another identifiable person engaged in a sexual act, knowing that the depicted person does not consent, is guilty of disorderly conduct. Provides for people under age 18. Provides for search warrants.

COLORADO

[H.B. 1104](#)

STATUS: Feb. 27, 2014. Postponed indefinitely.

Concerns prohibiting publishing intimate photographs of an underage person on the internet for revenge.

[H.B. 1378](#)

STATUS: May 29, 2014. Signed by Governor.

Prohibits the posting of a private image on social media without consent to cause serious emotional distress.

CONNECTICUT

[S.B. 489](#)

STATUS: Failed - adjourned.

Concerns unlawful dissemination of an intimate image of another person; establishes a criminal offense of unlawful dissemination of an intimate image with respect to persons who knowingly disseminate an intimate image of another person with the intent to harass, annoy, alarm or terrorize such other person.

DELAWARE

[H.B. 260](#)

STATUS: Aug. 12, 2014, Signed by Governor, Chap 415.

Adds to the existing crime of Violation of Privacy additional prohibited conduct related to the non-consensual dissemination of visual depictions containing nudity or sexual acts, conduct popularly referred to as "revenge porn". "Revenge porn" typically refers to the situation where visual depictions are consensually given to an intimate partner who, after the end of the relationship, later disseminates them without the consent of the person depicted.

FLORIDA

[H.B. 475](#)

STATUS: Failed.

Disclosure of sexually explicit images. Prohibits individual from intentionally and knowingly disclosing private, sexually explicit image of identifiable person, through attached personal identifiers, links, or facial recognition for purpose of harassment of such person if individual knows or should have known person depicted in sexually explicit image did not consent to such disclosure and objects to such disclosure. Provides enhanced penalties for violations by persons 18 years of age or older involving victims younger than 16 years of age. Provides exceptions. Requires court to order that person convicted of violation of be prohibited from having contact with victim and requires penalties for violation of order run consecutively to penalties for original violation.

[S.B. 532](#)

STATUS: Failed.

Disclosure of Sexually Explicit Images. Prohibiting an individual from disclosing a sexually explicit image of an identifiable person with the intent to harass such person if the individual knows or should have known such person did not consent to the disclosure. Requiring a court to order that a person convicted of such offense be prohibited from having contact with the victim; providing criminal penalties for a violation of such order;

providing that criminal penalties for certain offenses run consecutively with a sentence imposed for a violation of specified provisions, etc.

GEORGIA

[H.B. 838](#)

STATUS: April 15, 2014; Signed by Governor. Act 519

Relates to invasions of privacy, so as to prohibit the transmission of photography or video depicting nudity or sexually explicit conduct of an adult under certain circumstances. Provides for definitions, penalties, venue, exceptions, related matters, and other purposes.

HAWAII

[H.B. 1642](#)

STATUS: Failed

Broadens the offense of violation of privacy in the first degree to include distributing images of the intimate body parts of another, with intent to cause serious emotional distress.

[H.B. 1668](#)

STATUS: Failed

Makes the distribution of private, intimate images of another person with the intent to cause serious emotional distress or recklessly creating a risk thereof a misdemeanor.

[H.B. 1750](#)

STATUS: June 20, 2014. Signed by Governor.

Establishes a criminal offense for distributing without permission a sexual image or recording made or obtained without the consent of the person represented in the recording with the intent to harm the depicted person with respect to that person's health, safety, business, career, financial condition, reputation, or personal relationships; provides that nothing shall be construed to impose liability on an electronic communication service or remote computing service.

[H.B. 2373](#)

STATUS: Failed

Broadens the offense of violation of privacy in the first degree to include distributing, where there has been an agreement or understanding that the image shall remain private; includes images of the intimate body parts of another with intent to cause serious emotional distress.

[S.B. 2375](#)

STATUS: Failed

Establishes a criminal offense for distributing without permission a sexual recording made or obtained with the consent of the person represented in the recording.

[S.B. 2096](#)

STATUS: Failed

Broadens the offense of violation of privacy in the first degree to include distributing images of the intimate body parts of another, with intent to cause serious emotional distress.

[S.B. 2319](#)

STATUS: Failed

Makes it an offense to publish partially nude or fully nude photographs and recordings of a person taken in place where there is a reasonable expectation of privacy intending to cause and causing severe emotional distress to the photographed person.

IDAHO

H.B. 460

STATUS: Failed - adjourned.

Amends existing law to revise provisions relating to the crime of video voyeurism.

H.B. 563

STATUS: March 14, 2014; Chaptered. Chapter No. 173

Amends existing law to revise provisions relating to the crime of video voyeurism. Provides that a certain section does not apply in certain circumstances.

ILLINOIS

H.B. 4320

Amends the Criminal Code of 2012 and the Code of Criminal Procedure of 1963. Creates the offense of sexual exploitation via non-consensual dissemination of a sexual act or intimate parts. Provides that a person commits the offense when he or she intentionally disseminates an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed.

H.B. 5566

Amends the Criminal Code of 2012. Creates the offense of invasion of intimate privacy. Provides that a person commits the offense when he or she knowing that he or she is not licensed or privileged to do so, discloses any photograph, film, videotape, recording, or any other reproduction of the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual conduct, unless that person has consented to the disclosure.

S.B. 1009 (HA2)

Status: Dec. 3, 2014, Sent to Governor.

Creates the offense of non-consensual dissemination of private sexual images. Defines the offense. Provides exemptions. Provides that a violation is a Class 4 felony. Amends the Code of Criminal Procedure of 1963. Provides for the forfeiture of property used in the commission of the offense.

S.B. 2694

Amends the Criminal Code of 2012. Provides that a person who knowingly places, posts, or reproduces on the Internet a photograph, video, digital image of a person as well as nudity in a state, sexual excitement, or engaged in any act of sexual conduct or sexual penetration, without the knowledge and consent of that person, is guilty of a Class 4 felony. Amends the Consumer Fraud and Deceptive Business Practices Act.

KENTUCKY

H.B. 130

STATUS: Failed - adjourned.

Relates to distribution of non-consensual pornography. Defines "private erotic matter". Prohibits the distribution of nonconsensual pornography, and makes any such distribution a Class A misdemeanor.

MARYLAND

H.B. 43

STATUS: May 15, 2014; Signed by Governor. Chapter 583.

Relates to criminal law. Relates to harassment. Relates to revenge porn.

[H.B. 64](#)

STATUS: Failed

Relates to criminal law. Relates to harassment. Relates to revenge porn.

[H.B. 204](#)

STATUS: Failed

Relates to crimes. Relates to extortion of sexually explicit images.

[H.B. 336](#)

STATUS: Failed

Relates to criminal law. Relates to coercion to provide sexually explicit images. Relates to penalties.

[H.B. 491](#)

STATUS: Failed

Relates to criminal law. Relates to intentionally causing emotional distress. Relates to distribution of images or video.

MASSACHUSETTS

[H.B. 3924](#)

Relates to the disclosure of visual images of a person without his or her consent.

MICHIGAN

[S.B. 924](#)

Prohibits posting of sexually explicit image of another person on internet with intent to frighten, intimidate, or harass, and require removal sexually explicit images under other circumstances.

[S.B. 925](#)

Provides for penalties for posting sexually explicit image on internet or failing to remove sexually explicit image from internet under certain circumstances.

MISSOURI

[H.B. 1203](#)

STATUS: Failed - adjourned.

Creates the crime of revenge pornography.

[H.B. 1334](#)

STATUS: Failed - adjourned.

Creates the crime of publishing pornography for revenge.

NEW MEXICO

[H.B. 238](#)

STATUS: Failed - adjourned.

Relates to criminal law. Makes unauthorized distribution of sensitive images a crime. Provides penalties.

NEW JERSEY

[S.B. 793](#)

Upgrades crime of invasion of privacy under certain circumstances.

[S.B. 794](#)

Upgrades crime of invasion of privacy under certain circumstances.

NEW YORK

A.B. 2053

Relates to unlawful surveillance in the second degree and dissemination of an unlawful surveillance image in the first and second degrees.

A.B. 8181

Creates the offense of unlawful dissemination of lewd images. Prohibits the sale, publication or distribution of images in which a person is in a stage of full or partial undress without their consent.

A.B. 8200

Enacts the "indecent image or video removal act" to establish a civil cause of action for the posting on the internet of images or video of the intimate parts or sexual conduct of a state resident.

A.B. 8204

Amends the Penal Law. Creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively.

A.B. 8214

Establishes the crime of non-consensual disclosure of sexually explicit images as a class A misdemeanor.

A.B. 8311

Relates to establishing the crimes of revenge exposure in the third degree, revenge exposure in the second degree and revenge exposure in the first degree.

A.B. 9128

Amends the Penal Law; includes in class A misdemeanor of dissemination of an unlawful surveillance image in the second degree, the dissemination of an image of a person to a computer network internet website that is obscene, without the consent or knowledge of the person in the image.

S.B. 1982

STATUS: Aug. 1, 2014, Signed by Governor. Chapter 193

Creates the offense of unlawful dissemination of lewd images. Prohibits the sale, publication or distribution of images in which a person is in a stage of full or partial undress without their consent.

S.B. 3378

Amends the Penal Law; includes in class A misdemeanor of dissemination of an unlawful surveillance image in the second degree, the dissemination of an image of a person to a computer network internet website that is obscene, without the consent or knowledge of the person in the image.

S.B. 5946

Amends the Penal Law; creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively.

S.B. 5949

Establishes the crime of non-consensual disclosure of sexually explicit images as a class A misdemeanor.

PENNSYLVANIA

H.B. 1901

Amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for intimate partner harassment that is committed by exposing a photograph, film, videotape, or similar recording of the identifiable image of an intimate partner who is nude or explicitly engaged in a sexual act to the view of a third party for no legitimate purpose and with the intent to harass, annoy or alarm the person depicted. Provides a felony for depicting a minor and misdemeanor for a non-minor.

H.B. 2107

STATUS: July 9, 2014, Signed by Governor, Act 115

Amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in definition of sexual offenses, providing for unlawful dissemination of intimate image; in particular rights and immunities, providing for damages in actions for unlawful dissemination of intimate image.

S.B. 1167

Amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for intimate partner harassment that is committed by exposing a photograph, film, videotape, or similar recording of the identifiable image of an intimate partner who is nude or explicitly engaged in a sexual act to the view of a third party for no legitimate purpose and with the intent to harass, annoy or alarm the person depicted. Provides a felony for depicting a minor and misdemeanor for a non-minor.

RHODE ISLAND

H.B. 5570

STATUS: Failed

Amends various chapters of the general laws to create additional offenses relating to internet activity. This act would take effect upon passage.

H.B. 7382

STATUS: Adjourned.

Would prohibit a person from electronically disseminating visual images of another engaged in sexually explicit conduct or the intimate parts of another, without that person's consent and where the person had a reasonable expectation of privacy. Constitutionally protected activity is not subject to the provisions of this section. Those in violation would be guilty of a felony and subject to not more than three years imprisonment, a fine of not more than \$3,000, or both.

S.B. 2644

STATUS: Adjourned.

Would prohibit the dissemination, publication, or sale of visual images of another person engaged in sexually explicit conduct, or the intimate areas of that person, without that person's consent and under circumstances in which that person would have a reasonable expectation of privacy. This act would take effect upon passage.

SOUTH CAROLINA

H.B. 4809

STATUS: Failed - adjourned.

Creates the offense of unlawful dissemination of sexually explicit materials with intent to cause substantial emotional distress; provides graduated penalties.

H.B. 4842

STATUS: Failed - adjourned.

Creates the offense of unlawful dissemination of sexually explicit materials with intent to cause substantial emotional distress; provides a penalty.

TENNESSEE

H.B. 2098

STATUS: Failed - adjourned.

Relates to Criminal Offenses. Creates an offense of photographing or recording the intimate parts of another where the parties agree that the image shall remain private and distributing the image with the intent to cause emotional distress, and the depicted person suffers emotional distress.

H.B. 2195

STATUS: Failed - adjourned.

Relates to Criminal Offenses; creates the offense of unlawful exposure of photographing or recording the intimate parts of another and distributing the private image with the intent to cause serious emotional distress where the depicted person suffers emotional distress.

H.B. 2201

STATUS: Failed - adjourned.

Relates to Criminal Offenses. Creates an offense of photographing or recording the intimate parts of another where the parties agree that the image shall remain private and distributing the image with the intent to cause emotional distress, and the depicted person suffers emotional distress.

S.B. 2086

STATUS: Failed - adjourned.

Relates to Criminal Offenses. Creates an offense of photographing or recording the intimate parts of another where the parties agree that the image shall remain private and distributing the image with the intent to cause emotional distress, and the depicted person suffers emotional distress.

S.B. 2466

STATUS: Failed - adjourned.

Relates to Criminal Offenses; creates an offense of photographing or recording the intimate parts of another where the parties agree that the image shall remain private and distributing the image with the intent to cause emotional distress, and the depicted person suffers emotional distress.

UTAH

H.B. 65

STATUS: Failed

Regards distributing intimate images of a person without that person's permission; provides a definition of "intimate image." Provides that distribution of an intimate image of a person, without that person's permission, is a third degree felony. Provides that specified activities and procedures are not subject to the provisions of this bill, including law enforcement and judicial and commercial processes.

H.B. 71

STATUS: March 29, 2014; Signed by Governor

Modifies Title 76, Utah Criminal Code, regarding distributing intimate images of a person without that person's permission. Provides a definition of "intimate image." Provides exceptions for lawful use of images. Provides an exception for lawful practices and functions, including law enforcement functions and medical procedures. Provides that distribution of an intimate image of an individual, without that individual's permission, is a third degree felony.

VERMONT

H.B. 714

STATUS: Adjourned.

Relates to nonconsensual disclosure of sexually-explicit images.

VIRGINIA

H.B. 49

STATUS: Adjourned - carryover

Provides that a person is guilty of a Class 1 misdemeanor if he, with the intent to cause substantial emotional distress, disseminates or sells any videotape, photograph, film, or other videographic or still image or reproduction thereof that depicts another person who is totally nude, in a state of undress, or engaged in sexual conduct where such person knows or has reason to know that he is not licensed or privileged to do so and the person depicted suffers substantial emotional distress.

H.B. 326

Status: March 31, 2014; Signed by Governor. Chapter No. 399

Provides that a person is guilty of a Class 1 misdemeanor if he, with the intent to coerce, harass, or intimidate the depicted person, maliciously disseminates or sells any videotape, photograph, film, or other videographic or still image or reproduction thereof that depicts another person who is totally nude, in a state of undress, or engaged in sexual conduct where such person knows or has reason to know that he is not licensed or authorized to do so. If the depicted person is under the age of 18, the penalty is a Class 6 felony.

H.B. 935

STATUS: Adjourned - carryover

Relates to civil action for unlawful dissemination or sale of images of another; provides for a civil cause of action for the dissemination or sale of images depicting another person who is totally nude, in a state of undress, or engaged in sexual conduct where such person knows or has reason to know that he is not licensed or privileged to do so and the person depicted suffers substantial emotional distress.

S.B. 93

STATUS: Adjourned - carryover

Relates to publication of unlawful photographs; relates to venue; provides that it is a Class 6 felony for a person to publish on the Internet a photograph or video made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy; the bill also provides that venue for prosecution is the same as venue for computer crimes.

WASHINGTON

H.B. 2250

STATUS: Failed - adjourned.

Makes the distribution of intimate images a crime.

H.B. 2257

STATUS: Failed - adjourned.

Makes the distribution of intimate images a crime.

WISCONSIN

[A.B. 462](#)

STATUS: Failed

Provides that no one may reproduce, distribute, exhibit, publish, transmit, or otherwise disseminate an image of a person who is nude or partially nude or who is engaging in sexually explicit behavior without the consent of the person, regardless of whether the depicted person consented to the capture of the image; provides that a violation is a misdemeanor; exempts an image of a person who consented to the distribution for commercial purposes and parents and guardians under specified conditions.

[S.B. 367](#)

STATUS: April 8, 2014; Signed by Governor; Act No. 243

Relates to distributing a sexually explicit image without consent and providing a penalty.

DISTRICT OF COLUMBIA

[B. 762](#)

Establishes the offense of unlawful dissemination or sale of images of another, to prohibit any person who photographs or records by any means the image of the private area of another identifiable person, under circumstances where the parties agree or understand the image shall remain private, and the person subsequently distributes the image taken, with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress.

[B. 903](#)

Amends the Anti-Sexual Abuse Act of 1994 to add definitions clarifying the capture and disclosure of intimate parts and sexual acts and to designate the disclosure of images of intimate parts and sexual acts as fourth degree sexual abuse.

PUERTO RICO

[H.B. 1667](#)

Creates the Law Against Pornographic Revenge of Puerto Rico; sets fines.

2013 State Legislation Relating to “Revenge Porn”

Year-end summary

CALIFORNIA

[S.B. 255](#)

STATUS: Oct. 1, 2013; Signed by Governor, Chapter 466

Makes it a misdemeanor for any person who, with intent to cause substantial emotional distress or humiliation to another person, by means of an electronic communication device, and without consent of the other person, electronically distributes, publishes, emails, hyperlinks, or makes available for downloading nude images of the other person along with personal identifying information of the other person.

FLORIDA

[S.B. 946](#) / [H.B. 787](#)

STATUS: May 3, 2013, Died in Appropriations Subcommittee on Criminal and Civil Justice

Relates to computer or electronic device harassment. Prohibits knowing use of a computer or other device to transmit or post any photograph or video of an individual which depicts nudity and contains specified information relating to the depicted individual without first obtaining the depicted person's written consent. Provides an exception. Provides enhanced penalties for violations by persons 18 years of age or older involving victims younger than 16 years of age.

NEW YORK

[A.B. 8204](#)

STATUS: Oct. 24, 2013, Introduced, To Assembly Committee on Codes

Amends the Penal Law; creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively.

[A.B. 8214](#)

STATUS: Oct. 24, 2013, Introduced, To Assembly Committee on Codes

Establishes the crime of non-consensual disclosure of sexually explicit images as a class A misdemeanor.

[S.B. 5946](#)

STATUS: Oct. 4, 2013, Introduced, To Senate Committee on Rules.

Amends the Penal Law. Creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively.

[S.B. 5949](#)

STATUS: Oct. 9, 2013, Introduced, To Senate Committee on Rules.

Establishes the crime of non-consensual disclosure of sexually explicit images as a class A misdemeanor.

TEXAS

[H.B. 3627](#)

STATUS: March 21, 2013, To House Committee on Judiciary & Civil Jurisprudence. *(Failed)*

Relates to civil liability for promotion of certain improper visual images.

WISCONSIN

[A.B. 462](#)

STATUS: Nov. 14, 2013, To Senate Committee on Judiciary and Labor

Provides that no one may reproduce, distribute, exhibit, publish, transmit, or otherwise disseminate an image of a person who is nude or partially nude or who is engaging in sexually explicit behavior without the consent of the person, regardless of whether the depicted person consented to the capture of the image. Provides that a violation is a misdemeanor. Exempts an image of a person who consented to the distribution for commercial purposes and parents and guardians under specified conditions.

[S.B. 367](#)

STATUS: Nov. 14, 2013, In Senate. Amendment No. 1 offered.

Distributes a sexually explicit image without consent; provides a penalty.

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