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Act No. 89 (H.626). An act relating to sexual extortion, voyeurism, and disclosure of sexually explicit images without consent

Subjects: Crimes; voyeurism; disclosure of sexually explicit images without consent

This act creates the new crime of sexual extortion and makes amendments to the statutes regarding voyeurism and disclosure of sexually explicit images without consent.

The sexual extortion statute prohibits a person from knowingly threatening to disclose a visual image of an identifiable person who is nude or who is engaged in sexual conduct, without the person's consent, with the intent to compel the person to engage in any act against the person's will or refrain from engaging in any act in which the person has a legal right to engage. The statute also prohibits a person from knowingly threatening another person with harm for the purposes of compelling the person to produce nude visual images or visual images of sexual conduct or to engage in sexual conduct. Penalties range from three to 15 years imprisonment depending upon the age of the victim and whether serious bodily injury or death results from the extortion. The new criminal offense has a 40-year statute of limitation.

The act amends the voyeurism statute to separate the offense of viewing voyeurism from photographing voyeurism for the purpose of extending the statute of limitation for photographing voyeurism from three years to 40 years. The act also extends the statute of limitations for voyeurism involving display or disclosure of images to a third party from three years to 40 years. Finally, the act creates a private right of action against a defendant who intentionally displays or discloses to a third party an image recorded in violation of the statute if the display or disclosure causes the plaintiff harm and eliminates the statute of limitations and applies it retroactively to a violation that occurred on or after July 1, 2005.

The act amends the statute regarding disclosure of sexually explicit images without consent to move threats to release images to the sextortion statute and eliminates the statute of limitations for the existing statutory private right of action and applies it retroactively to a violation that occurred on or after July 1, 2015.

In the private right of action provisions for voyeurism and disclosure of sexually explicit images without consent, the act provides that the required element in a negligence claim of actual injury to the plaintiff may be satisfied by a diagnosis of a disorder resulting from trauma.

Effective Date: July 1, 2026