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S.256

Introduced by Senators Hashim, Gulick, Hardy, Harrison, Lyons, Perchlik,
Vyhovsky, Watson, Weeks and White

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to criminalize
the act of threatening to disclose a visual image of an identifiable person who
is nude or who is engaged in sexual conduct with the intent to compel a person
to produce nude images or images of sexual conduct, engage in sexual
conduct, or provide anything of value; to criminalize threatening a person with
the intent to compel a person to produce nude images or images of sexual
conduct or to engage in sexual conduct; to extend the statute of limitations for
photographing, filming, or recording a person in violation of the voyeurism
statute; to extend the statute of limitations for displaying or disclosing images
in violation of the voyeurism statute; to eliminate the statute of limitations for
civil actions against a person for knowingly disclosing, without the plaintiff's
consent, a visual image of the plaintiff while the plaintiff is nude or engaged in
sexual conduct if the disclosure caused harm to the plaintiff; and to allow
recovery of damages for a disorder resulting from trauma in a tort claim

1 against a person who knowingly discloses, without the plaintiff's consent, an
2 identifiable visual image of the plaintiff while the plaintiff is nude or engaged
3 in sexual conduct and the disclosure causes the plaintiff harm.

4 An act relating to voyeurism and disclosure of sexually explicit images
5 without consent

6 It is hereby enacted by the General Assembly of the State of Vermont:

7 Sec. 1. 13 V.S.A. § 2605 is amended to read:

8 § 2605. VOYEURISM

9 (a) Definitions. As used in this section:

10 (1) "Bona fide private investigator or bona fide security guard" means
11 an individual lawfully providing services, whether licensed or unlicensed,
12 pursuant to 26 V.S.A. §§ 3151 and 3151a.

13 (2) "Female breast" means any portion of the female breast below the
14 top of the areola.

15 (3) "Circumstances in which a person has a reasonable expectation of
16 privacy" means circumstances in which a reasonable person would believe that
17 ~~his or her~~ the person's intimate areas would not be visible to the public,
18 regardless of whether that person is in a public or private area. This definition
19 includes circumstances in which a person knowingly disrobes in front of

1 another, but does not expect nor give consent for the other person to
2 photograph, film, or record ~~his or her~~ the person's intimate areas.

3 (4) "Intimate areas" means the naked or undergarment-clad genitals,
4 pubic area, buttocks, or female breast of a person.

5 (5) "Place where a person has a reasonable expectation of privacy"
6 means:

7 (A) a place in which a reasonable person would believe that ~~he or she~~
8 the person could disrobe in privacy, without ~~his or her~~ the person undressing
9 being viewed by another; or

10 (B) a place in which a reasonable person would expect to be safe
11 from unwanted intrusion or surveillance.

12 (6) "Sexual conduct" ~~shall have~~ has the same meaning as in section
13 2821 of this title.

14 (7) "Surveillance" means secret observation of the activities of another
15 person for the purpose of spying upon and invading the privacy of the person.

16 (8) "View" means the intentional looking upon another person for more
17 than a brief period of time, in other than a casual or cursory manner, with the
18 unaided eye or a device designed or intended to improve visual acuity.

19 (b) Unlawful viewing. No person shall intentionally view, ~~photograph,~~
20 ~~film, or record in any format~~:

1 (1) the intimate areas of another person without that person's knowledge
2 and consent while the person being viewed, ~~photographed, filmed, or recorded~~
3 is in a place where ~~he or she~~ the person would have a reasonable expectation of
4 privacy or under circumstances in which the person has a reasonable
5 expectation of privacy; or

6 (2) ~~the intimate areas of another person without that person's knowledge~~
7 ~~and consent and under circumstances in which the person has a reasonable~~
8 ~~expectation of privacy~~ a person engaged in sexual conduct without that
9 person's knowledge and consent while the person being viewed is in a place
10 where the person would have a reasonable expectation of privacy or under
11 circumstances in which the person has a reasonable expectation of privacy.

12 (c) Unlawful photographing, filming, or recording. No person shall ~~display~~
13 ~~or disclose to a third party any image recorded in violation of subsection (b),~~
14 ~~(d), or (e) of this section~~ intentionally photograph, film, or record in any
15 format:

16 (1) the intimate areas of another person without that person's knowledge
17 and consent while the person being photographed, filmed, or recorded is in a
18 place where the person would have a reasonable expectation of privacy or
19 under circumstances in which the person has a reasonable expectation of
20 privacy; or

1 (2) a person engaged in sexual conduct without that person’s knowledge
2 and consent while the person being photographed, filmed, or recorded is in a
3 place where the person would have a reasonable expectation of privacy or
4 under circumstances in which the person has a reasonable expectation of
5 privacy.

6 (d) Surveillance. No person shall intentionally conduct surveillance or
7 intentionally photograph, film, or record in any format a person without that
8 person’s knowledge and consent while the person being surveilled,
9 photographed, filmed, or recorded is in a place where ~~he or she~~ the person
10 would have a reasonable expectation of privacy within a home or residence.
11 Bona fide private investigators and bona fide security guards engaged in
12 otherwise lawful activities within the scope of their employment are exempt
13 from this subsection.

14 (e) Display or disclosure to a third party. No person shall intentionally
15 ~~photograph, film, or record in any format a person without that person’s~~
16 ~~knowledge and consent while that person is in a place where a person has a~~
17 ~~reasonable expectation of privacy and that person is engaged in sexual conduct~~
18 display or disclose to a third party an image recorded in violation of subsection
19 (c) of this section.

1 (f) Applicability. This section shall apply to a person who intentionally
2 views, photographs, films, or records the intimate areas of a person as part of a
3 security or theft prevention policy or program at a place of business.

4 (g) Exceptions. This section shall not apply to:

5 (1) a law enforcement officer conducting official law enforcement
6 activities in accordance with State and federal law; or

7 (2) official activities of the Department of Corrections, a law
8 enforcement agency, the Agency of Human Services, or a court for security
9 purposes or during the investigation of alleged misconduct by a person in the
10 custody of the Department of Corrections, a law enforcement agency, the
11 Agency of Human Services, or a court.

12 (h) Constitutionally protected activity. This section is not intended to
13 infringe upon the freedom of the press to gather and disseminate news as
14 guaranteed by the First Amendment to the Constitution of the United States.

15 (i) Affirmative defense. It shall be an affirmative defense to a violation of
16 subsection (b) or (c) of this section that the defendant was a bona fide private
17 investigator or bona fide security guard conducting surveillance in the ordinary
18 course of business, and the violation was unintentional and incidental to
19 otherwise legal surveillance. However, an unintentional and incidental
20 violation of subsection (b) or (c) of this section shall not be a defense to a
21 violation of subsection ~~(e)~~(e) of this section.

1 (j) Penalties.

2 (1) For a first offense, a person who violates subsection (b), (c), or (d);
3 ~~or (e)~~ of this section shall be imprisoned not more than two years or fined not
4 more than \$1,000.00, or both. For a second or subsequent offense, a person
5 who violates subsection (b), (c), or (d), ~~or (e)~~ of this section shall be
6 imprisoned not more than three years or fined not more than \$5,000.00, or
7 both.

8 (2) A person who violates subsection ~~(e)~~(e) of this section shall be
9 imprisoned not more than five years or fined not more than \$5,000.00, or both.

10 (k) Civil.

11 (1) A plaintiff shall have a private cause of action against a defendant
12 who intentionally displays or discloses to a third party an image recorded in
13 violation of subsection (c) of this section and the display or disclosure causes
14 the plaintiff harm.

15 (2) In addition to any other relief available at law, the court may order
16 equitable relief, including a temporary restraining order, a preliminary
17 injunction, or a permanent injunction ordering the defendant to cease display
18 or disclosure of the image. The court may grant injunctive relief maintaining
19 the confidentiality of a plaintiff using a pseudonym.

1 (D) post-pubescent female nipple.

2 (4) “Sexual conduct” ~~shall have~~ has the same meaning as in section
3 2821 of this title.

4 (5) “Visual image” includes a photograph, film, videotape, recording, or
5 digital reproduction, including an image created or altered by digitization.

6 (6) “Digitization” means the process of altering an image in a realistic
7 manner utilizing an image or images of a person, including images other than
8 the person depicted, or computer-generated images.

9 (b)(1) ~~A No person violates this section if the person shall knowingly~~
10 ~~discloses~~ disclose a visual image of an identifiable person who is nude or who
11 is engaged in sexual conduct, without the person’s consent, with the intent to
12 harm, harass, intimidate, threaten, or coerce the person depicted, ~~and if~~ if the
13 disclosure would cause a reasonable person to suffer harm. ~~A person may be~~
14 ~~identifiable from the image itself or information offered in connection with the~~
15 ~~image. Consent to recording or production of the visual image does not, by~~
16 ~~itself, constitute consent for disclosure of the image.~~ A person who violates
17 this subdivision ~~(1)~~ shall be imprisoned not more than two years or fined not
18 more than \$2,000.00, or both.

19 ~~(2)~~ A person who violates this subdivision ~~(1) of this subsection~~ with the
20 intent of disclosing the image for financial profit shall be imprisoned not more
21 than five years or fined not more than \$10,000.00, or both.

1 (2)(A) No person shall knowingly threaten to disclose a visual image of
2 an identifiable person who is nude or who is engaged in sexual conduct,
3 without the person’s consent, with the intent to compel a person to:

4 (i) produce nude images or images of sexual conduct;

5 (ii) engage in sexual conduct;

6 (iii) engage in any act against the person’s will;

7 (iv) refrain from engaging in any act in which the person has a
8 legal right to engage; or

9 (v) provide money or anything of value.

10 (B) With the intent to compel a person to produce nude images or
11 images of sexual conduct or to engage in sexual conduct, no person shall
12 knowingly threaten to:

13 (i) accuse a person of a crime or cause criminal charges to be
14 instituted against a person;

15 (ii) cause injury to a person or property;

16 (iii) expose a secret or publicize an asserted fact, whether true or
17 false, tending to subject some person to hatred, contempt, or ridicule; or

18 (iv) report a person’s immigration status or suspected immigration
19 status.

20 (C) A person who violates this subdivision shall be imprisoned not
21 more than two years or fined not more than \$2,000.00, or both.

1 (3) For purposes of this section, a person may be identifiable from the
2 image itself or information offered in connection with the image. Consent to
3 recording or production of the visual image does not, by itself, constitute
4 consent for disclosure of the image.

5 (c) A person who maintains an internet website, online service, online
6 application, or mobile application that contains a visual image of an
7 identifiable person who is nude or who is engaged in sexual conduct shall not
8 solicit or accept a fee or other consideration to remove, delete, correct, modify,
9 or refrain from posting or disclosing the visual image if requested by the
10 depicted person.

11 (d) This section shall not apply to:

12 (1) Images involving voluntary nudity or sexual conduct in public or
13 commercial settings or in a place where a person does not have a reasonable
14 expectation of privacy.

15 (2) Disclosures made in the public interest, including the reporting of
16 unlawful conduct, or lawful and common practices of law enforcement,
17 criminal reporting, corrections, legal proceedings, or medical treatment.

18 (3) Disclosures of materials that constitute a matter of public concern.

19 (4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or
20 information services or telecommunications services, as defined in 47 U.S.C.

1 § 153, for content solely provided by another person. This subdivision shall
2 not preclude other remedies available at law.

3 (e)(1) A plaintiff shall have a private cause of action against a defendant
4 who knowingly discloses, without the plaintiff's consent, an identifiable visual
5 image of the plaintiff while the plaintiff is nude or engaged in sexual conduct
6 and the disclosure causes the plaintiff harm.

7 (2) In addition to any other relief available at law, the court may order
8 equitable relief, including a temporary restraining order, a preliminary
9 injunction, or a permanent injunction ordering the defendant to cease display
10 or disclosure of the image. The court may grant injunctive relief maintaining
11 the confidentiality of a plaintiff using a pseudonym.

12 (3) In an action brought pursuant to this subsection, the required element
13 in a negligence claim of actual injury to the plaintiff may be satisfied by a
14 diagnosis of a disorder resulting from trauma.

15 (4) A civil action authorized by this subsection may be commenced at
16 any time after the act alleged to have caused the injury or condition.
17 Notwithstanding 1 V.S.A. § 214, this subsection shall apply retroactively to a
18 violation of this section that occurred prior to July 1, 2026, irrespective of any
19 statute of limitations in effect at the time the violation occurred.

20 Sec. 3. 13 V.S.A. § 4501 is amended to read:

21 § 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

1 (a) Prosecutions for aggravated sexual assault, aggravated sexual assault of
2 a child, sexual assault, sexual exploitation of a minor as defined in subsection
3 3258(c) of this title, human trafficking, aggravated human trafficking, murder,
4 manslaughter, arson causing death, and kidnapping may be commenced at any
5 time after the commission of the offense.

6 (b) Prosecutions for lewd and lascivious conduct, sexual abuse of a
7 vulnerable adult under subsection 1379(a) of this title, grand larceny, robbery,
8 burglary, embezzlement, forgery, bribery offenses, false claims, fraud under
9 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six
10 years after the commission of the offense, and not after.

11 (c) Prosecutions for any of the following offenses shall be commenced
12 within 40 years after the commission of the offense, and not after:

13 (1) lewd and lascivious conduct alleged to have been committed against
14 a child under 18 years of age;

15 (2) maiming;

16 (3) lewd or lascivious conduct with a child;

17 (4) sexual exploitation of children under chapter 64 of this title; and

18 (5) sexual abuse of a vulnerable adult under subsection 1379(b) of this
19 title.

1 (d) Prosecutions for arson and first degree aggravated domestic assault
2 shall be commenced within 11 years after the commission of the offense, and
3 not after.

4 (e) Prosecutions for other felonies and for misdemeanors shall be
5 commenced within three years after the commission of the offense, and not
6 after.

7 (f) Prosecutions for a violation of subsection 2605(c) of this title
8 (voyeurism photographing, filming, or recording), subsection 2605(e) of this
9 title (voyeurism display or disclosure of images to a third party), and section
10 2606 of this title (disclosure of sexually explicit images without consent) shall
11 be commenced within six years after the commission of the offense or within
12 six years after the date on which the subject of the offense discovers the
13 existence of the photograph, film, or recording that constitutes a violation of
14 such sections.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2026.