



H.626 – Criminal & Civil Responses to Image-Based Abuse

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Thank you for the opportunity to testify in strong support of H.626, a bill that strengthens Vermont's criminal and civil responses to image-based abuse.

Image-based abuse includes the creation, distribution, or threat to share explicit images of a person without their consent. H.626 addresses three forms of this abuse:

- **Video voyeurism:** Images or recordings taken without a person's knowledge or consent in a private setting, such as a hidden camera in a restroom.
- **Non-consensual disclosure of explicit images:** Images that may or may not have been originally obtained with permission and are later shared without permission. Vermont's statute on non-consensual disclosure encompasses what is often called "revenge porn," as well as digitally altered or AI-generated explicit images.
- **"Sextortion":** A form of sexual exploitation in which a perpetrator threatens to disclose a real or synthetic explicit image unless the victim complies with demands. This can occur in the context of domestic violence, trafficking, or online scams.

As technology advances, this harm has become more common and more severe. It is essential that our laws be updated to protect Vermonters in this new reality.

Once an image is shared online, it can spread instantly and be nearly impossible to remove. Survivors can face a chronic sense of threat – their abuse will continue no matter what they do, because the image will remain accessible online.

The consequences are wide-ranging – impacting survivors' safety, reputation, relationships, job prospects, and physical and mental health. Image-based abuse disproportionately affects young people and can shape the rest of their lives.

Research¹ shows that victims of image-based abuse experience significantly higher rates of depression and PTSD than victims of other forms of domestic or sexual violence alone.

Civil Law Responses

H.626 strengthens remedies in civil court for victims of video voyeurism and non-consensual disclosure of explicit images.

Survivors can file a lawsuit against a perpetrator for the harm they caused. These provisions apply retroactively to acts of voyeurism committed before July 1, 2005 and acts of non-consensual disclosure of explicit images committed before July 1, 2015 – the dates these acts became crimes. The bill also clarifies that a diagnosis of a trauma-related disorder, such as PTSD, meets the requirement of “actual injury” in a civil claim.

This provision is informed by a 2025 Vermont Supreme Court decision, *Kilburn v. Simmon*², involving harm caused by video voyeurism. In a concurring majority opinion, Chief Justice Reiber and Justice Waples emphasized that Vermont tort law has not kept pace with our understanding of PTSD and psychological trauma. They urged the development of this area of tort law to bring us closer to parity, ensuring that those harmed—psychologically as well as physically—are heard and compensated. We couldn't agree more.

Criminal Law Responses

The bill also strengthens criminal law responses to image-based abuse.

H.626 shifts the statute of limitations for image-based abuse crimes to align with how they actually unfold. Current law gives victims three years from the time the crime was committed. But many victims do not discover an explicit image of themselves online until years later – sometimes after it has been viewed by millions of people. Under current law, their opportunity to pursue criminal charges may have expired before they even knew they were harmed.

This bill extends the statute of limitations for voyeurism involving recordings, voyeurism involving disclosure of those recordings or images, nonconsensual

¹ Fahmy, L., Piper, C. M., & Dardis, C. M. (2024). Comparative and combined associations of nonconsensual distribution of sexually explicit materials and interpersonal violence on psychological distress. *Journal of Interpersonal Violence*, 40(21–22), 5095–5120. <https://doi.org/10.1177/08862605241301798>

² *Kilburn v. Simmon* (2025). <https://law.justia.com/cases/vermont/supreme-court/2025/24-ap-210.html>

disclosure of explicit images, and sextortion to 40 years. This will ensure survivors have a meaningful path to justice.

Lastly, H.626 creates penalties for criminal threatening involving explicit images or sexual conduct. Threatening to disclose an explicit image is a deeply coercive act. It can be used to compel victims to provide money or labor, or to engage in sexual activity against their will. It is an element of coercive control in domestic violence, sexual violence, and trafficking and should be recognized in Vermont's criminal statutes.

We are working with a survivor who has been deeply impacted by image-based abuse, and we hope the committee will have an opportunity to hear from her directly in the coming weeks.

Thank you for your time and consideration. I would be happy to answer any questions.