

## **COMMITTEE BILL ANALYSIS**

**Bill:** House Bill 2107

**Printer's No.:** 3442

**Sponsor:** Rep. Murt

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends the Crimes Code, Title 18, to create the offense of unlawful dissemination of intimate image, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to provide for damages in actions for unlawful dissemination of intimate image.

### **Summary:**

#### **Crimes Code**

A person commits the offense of unlawful dissemination of intimate image if, with the intent to cause emotional distress to the person depicted, the person disseminates a visual depiction of another person in a state of nudity or engaged in sexual conduct.

It is a defense if the person depicted consented to the dissemination.

This offense is a misdemeanor of the third degree. If convicted, the person who disseminated the image shall be sentenced to pay a fine of \$1,000 or to imprisonment for not more than six months, or both.

This offense does not apply to a law enforcement officer engaged in the performance of official duties.

The Attorney General and district attorney shall have concurrent jurisdiction.

#### **Judicial Code**

A person may bring a civil action based on the unlawful dissemination of intimate image to recover damages for any loss or injury sustained as a result of the violation.

In determining the extent of injury, the court shall consider that dissemination of an intimate image may cause long-term or permanent injury. The court may award actual damages or \$500, whichever is greater; reasonable attorney fees and court costs; and additional relief the court deems necessary.

#### **Effective date**

This act takes effect in 60 days.

**Background:** The House of Representatives passed House Bill 2107 on June 9, 2014 by a vote of 195 to 0.

**Legislative history**

Earlier this session the Senate Judiciary Committee considered similar legislation, Senate Bill 1167. On January 14, 2014, the Senate Judiciary Committee reported Senate Bill 1167 from committee as amended. On January 28, 2014, the Senate passed Senate Bill 1167 by a vote of 49 to 0. Senate Bill 1167 is pending before the House Judiciary Committee.