



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 679

H.P. 460

House of Representatives, March 3, 2015

An Act To Prohibit the Unauthorized Distribution of Certain Private Images

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport.

Cosponsored by Senator HILL of York and

Representatives: ALLEY of Beals, BATTLE of South Portland, BEAVERS of South Berwick, CAMPBELL of Newfield, CAMPBELL of Orrington, CHIPMAN of Portland, COOPER of Yarmouth, DAVITT of Hampden, DeCHANT of Bath, DILLINGHAM of Oxford, DOORE of Augusta, DUNPHY of Old Town, ESPLING of New Gloucester, FOLEY of Wells, GILBERT of Jay, GINZLER of Bridgton, GOODE of Bangor, GRANT of Gardiner, HANINGTON of Lincoln, HANLEY of Pittston, HILLIARD of Belgrade, HYMANSON of York, KRUGER of Thomaston, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, LYFORD of Eddington, MAKER of Calais, MARTIN of Eagle Lake, MASTRACCIO of Sanford, McCABE of Skowhegan, McCREIGHT of Harpswell, PICCHIOTTI of Fairfield, REED of Carmel, RUSSELL of Portland, SHAW of Standish, SIROCKI of Scarborough, SKOLFIELD of Weld, STUCKEY of Portland, THERIAULT of China, TIPPING-SPITZ of Orono, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, WADSWORTH of Hiram, WHITE of Washburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §511-A** is enacted to read:

3 **§511-A. Unauthorized distribution of images**

4 1. A person is guilty of unauthorized distribution of images if the person
5 intentionally discloses, displays, distributes, publishes, advertises or offers a photograph,
6 videotape, film or digital recording of another person in a state of nudity or engaged in a
7 sexual act or engaged in sexual contact when the person knows or should have known
8 that the depicted person:

9 A. Is 18 years of age or older;

10 B. Is identifiable from the image itself or information displayed in connection with
11 the image; and

12 C. Has not consented to the disclosure.

13 2. This section does not apply to the following:

14 A. Lawful and common practices of law enforcement, reporting unlawful activity, or
15 when permitted or required by law or rule in legal proceedings;

16 B. Lawful and common practices of medical treatment;

17 C. Images involving voluntary exposure in a public or commercial setting; or

18 D. An interactive computer service, as defined in 47 United States Code, Section
19 230(f)(2), or an information service, as defined in 47 United States Code, Section
20 153, with regard to content provided by another person.

21 3. As used in this section, unless the context otherwise indicates, the following terms
22 have the following meanings.

23 A. "Sexual act" has the same meaning as in section 251, subsection 1, paragraph C
24 and also includes:

25 (1) The transfer or transmission of semen upon any part of the clothed or
26 unclothed body of the depicted person;

27 (2) Urination within a sexual context;

28 (3) Bondage or sadomasochism in any sexual context; and

29 (4) Simulated sexual acts.

30 B. "Sexual contact" has the same meaning as defined in section 251, subsection 1,
31 paragraph D and includes simulated sexual contact.

32 C. "State of nudity" means the fully unclothed, partially unclothed or transparently
33 clothed genitals, pubic area, anus or if the person is female a partially or fully
34 exposed breast below a point immediately above the top of the areola.

35 4. Unauthorized distribution of images is a Class D crime.

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SUMMARY

This bill prohibits a person from intentionally displaying, distributing or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act if that person knows or should have known that the depicted person is 18 years of age or older, is identifiable and has not consented to the disclosure. A violation of this prohibition is a Class D crime.