

# HOUSE BILL 43

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4lr0744

(PRE-FILED)

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By: ~~Delegate Simmons~~ Delegates Simmons, Cardin, Frick, Afzali, Arora, Barkley, Cullison, DeBoy, Dwyer, Frush, George, Glenn, Gutierrez, Healey, Kaiser, A. Kelly, Lafferty, McComas, McDonough, Murphy, Niemann, Olszewski, Pena-Melnyk, Reznik, Rudolph, Sophocleus, Stocksdale, Stukes, F. Turner, Weir, McDermott, Arentz, Aumann, Boteler, Cluster, Eckardt, Elliott, Frank, K. Kelly, Krebs, Otto, Parrott, Smigiel, Swain, Valentino-Smith, and Vitale

Requested: October 29, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Harassment – Revenge Porn**

3 FOR the purpose of prohibiting a person from ~~knowingly disclosing a certain image or~~  
4 ~~recording of another person whose intimate parts are exposed or who is engaged~~  
5 ~~in a certain act without the consent of the other person and with the intent to~~  
6 ~~cause serious emotional distress~~ intentionally causing serious emotional  
7 distress to another by intentionally placing on the Internet a certain  
8 reproduction of the image of the other person knowing that the other person did  
9 not consent to the placement of the image on the Internet under certain  
10 circumstances; establishing penalties for a violation of this Act; defining certain  
11 terms; establishing the scope of this Act; and generally relating to harassment.

12 BY adding to

13 Article – Criminal Law

14 Section 3-809

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 **3–809.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6 MEANINGS INDICATED.

7 ~~(2) “DISCLOSE” MEANS SELL, MANUFACTURE, GIVE, PROVIDE,~~  
8 ~~LEND, TRADE, MAIL, DELIVER, TRANSFER, PUBLISH, DISTRIBUTE, CIRCULATE,~~  
9 ~~DISSEMINATE, PRESENT, EXHIBIT, ADVERTISE, OR OFFER.~~

10 ~~(3)~~ (2) “INTIMATE PARTS” MEANS THE NAKED GENITALS,  
11 PUBIC AREA, BUTTOCKS, OR FEMALE NIPPLE.

12 ~~(4)~~ (3) “SEXUAL CONTACT” MEANS SEXUAL INTERCOURSE,  
13 INCLUDING GENITAL–GENITAL, ORAL–GENITAL, ANAL–GENITAL, OR  
14 ORAL–ANAL, WHETHER BETWEEN PERSONS OF THE SAME OR OPPOSITE SEX.

15 (B) THIS SECTION DOES NOT APPLY TO:

16 (1) LAWFUL AND COMMON PRACTICES OF LAW ENFORCEMENT,  
17 THE REPORTING OF UNLAWFUL CONDUCT, OR LEGAL PROCEEDINGS; ~~OR~~

18 (2) SITUATIONS INVOLVING VOLUNTARY EXPOSURE IN PUBLIC OR  
19 COMMERCIAL SETTINGS; OR

20 (3) IMAGES CONCERNING MATTERS OF PUBLIC IMPORTANCE.

21 (C) A PERSON MAY NOT ~~KNOWINGLY DISCLOSE A PHOTOGRAPH, FILM,~~  
22 ~~VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE IMAGE OF~~  
23 ~~ANOTHER PERSON WHOSE INTIMATE PARTS ARE EXPOSED OR WHO IS ENGAGED~~  
24 ~~IN AN ACT OF SEXUAL CONTACT, WITHOUT THE CONSENT OF THE OTHER~~  
25 ~~PERSON AND WITH THE INTENT TO CAUSE SERIOUS EMOTIONAL DISTRESS~~  
26 INTENTIONALLY CAUSE SERIOUS EMOTIONAL DISTRESS TO ANOTHER BY  
27 INTENTIONALLY PLACING ON THE INTERNET AN IDENTIFIABLE PHOTOGRAPH,  
28 FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE IMAGE  
29 OF THE OTHER PERSON WITH HIS OR HER INTIMATE PARTS EXPOSED OR WHILE  
30 ENGAGED IN AN ACT OF SEXUAL CONTACT:

31 (1) KNOWING THAT THE OTHER PERSON DID NOT CONSENT TO  
32 THE PLACEMENT OF THE IMAGE ON THE INTERNET; AND

1                   **(2) UNDER CIRCUMSTANCES IN WHICH THE OTHER PERSON HAD A**  
2 **REASONABLE EXPECTATION THAT THE IMAGE WOULD BE KEPT PRIVATE.**

3                   **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
4 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
5 **EXCEEDING ~~1-YEAR~~ 2 YEARS OR A FINE NOT EXCEEDING ~~\$500~~ \$5,000 OR BOTH.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.