

# HOUSE BILL 43

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4lr0744

(PRE-FILED)

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By: **Delegate Simmons**

Requested: October 29, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Criminal Law – Harassment – Revenge Porn**

FOR the purpose of prohibiting a person from knowingly disclosing a certain image or recording of another person whose intimate parts are exposed or who is engaged in a certain act without the consent of the other person and with the intent to cause serious emotional distress; establishing penalties for a violation of this Act; defining certain terms; establishing the scope of this Act; and generally relating to harassment.

BY adding to

Article – Criminal Law

Section 3–809

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Law**

#### **3–809.**

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(3) “INTIMATE PARTS” MEANS THE NAKED GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE NIPPLE.**

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

**(B) THIS SECTION DOES NOT APPLY TO:**

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

**(2) SITUATIONS INVOLVING VOLUNTARY EXPOSURE IN PUBLIC OR COMMERCIAL SETTINGS.**

**(C) A PERSON MAY NOT KNOWINGLY DISCLOSE A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE IMAGE OF ANOTHER PERSON WHOSE INTIMATE PARTS ARE EXPOSED OR WHO IS ENGAGED IN AN ACT OF SEXUAL CONTACT, WITHOUT THE CONSENT OF THE OTHER PERSON AND WITH THE INTENT TO CAUSE SERIOUS EMOTIONAL DISTRESS.**

**(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.**

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