

HOUSE BILL 64

E1

4lr0387

(PRE-FILED)

By: **Delegate Cardin**

Requested: August 7, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Intentional Disclosure of Sexually Explicit Image of Another Person Without Consent

FOR the purpose of prohibiting a person from intentionally disclosing a certain sexually explicit image of a certain other person, knowing that the other person has not consented to the disclosure; providing penalties for a violation of this Act; providing for the scope of this Act; providing that this Act does not affect any legal or equitable right or remedy otherwise provided by law; defining certain terms; and generally relating to the intentional disclosure of sexually explicit images.

BY adding to

Article – Criminal Law

Section 3–908

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

3–908.

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

(2) “DISCLOSE” INCLUDES TRANSFERRING, PUBLISHING, DISTRIBUTING, EXHIBITING, ADVERTISING, OR OFFERING.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) "IMAGE" INCLUDES A PHOTOGRAPH, A FILM, A VIDEOTAPE, A RECORDING, OR A DIGITAL OR OTHER REPRODUCTION.

(4) "INTIMATE PARTS" MEANS THE NAKED GENITALS, PUBIC AREA, OR BUTTOCKS OF A PERSON OR THE NAKED NIPPLE OF A FEMALE ADULT PERSON.

(5) "SEXUAL ACT" HAS THE MEANING STATED IN § 3-301 OF THIS TITLE.

(6) "SEXUAL CONDUCT" HAS THE MEANING STATED IN § 3-301 OF THIS TITLE.

(7) "VAGINAL INTERCOURSE" HAS THE MEANING STATED IN § 3-301 OF THIS TITLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A LAW ENFORCEMENT OFFICIAL IN CONNECTION WITH A CRIMINAL PROSECUTION;

(2) A PERSON ACTING IN COMPLIANCE WITH A SUBPOENA OR COURT ORDER FOR USE IN A LEGAL PROCEEDING;

(3) A PERSON ACTING WITH A BONA FIDE AND LAWFUL SCIENTIFIC, EDUCATIONAL, GOVERNMENTAL, NEWS, OR OTHER SIMILAR PUBLIC PURPOSE; OR

(4) A VOLUNTARY EXPOSURE IN A PUBLIC OR COMMERCIAL SETTING.

(C) A PERSON MAY NOT INTENTIONALLY DISCLOSE A SEXUALLY EXPLICIT IMAGE OF ANOTHER PERSON WHO IS IDENTIFIABLE AND WHOSE INTIMATE PARTS ARE EXPOSED OR WHO IS ENGAGED IN A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL INTERCOURSE, KNOWING THAT THE OTHER PERSON HAS NOT CONSENTED TO THE DISCLOSURE.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(E) THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR REMEDY OTHERWISE PROVIDED BY LAW.

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