

SB0360/733229/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 360  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Civil” insert “**Definition of Visual Representation and**”; in the same line, strike “**and Criminal Offense**”; strike beginning with “authorizing” in line 3 down through “circumstances” in line 6 and substitute “defining the term “visual representation” as it relates to the crime of revenge porn; authorizing a person to bring a certain civil action for revenge porn”; in line 6, strike “a civil action and criminal offense for”; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 7 on page 3, inclusive.

On page 5, in line 19, after “(f)” insert “**(1) A PERSON WHOSE VISUAL REPRESENTATION WAS DISTRIBUTED IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION FOR DEFAMATION PER SE OR INVASION OF PRIVACY AGAINST ANY PERSON WHO DISTRIBUTED THE VISUAL REPRESENTATION.**”

**(2) IN ADDITION TO OTHER RELIEF, THE COURT MAY AWARD REASONABLE ATTORNEY’S FEES TO A PREVAILING PLAINTIFF UNDER THIS SUBSECTION.**

**(G)**”;

strike beginning with “from” in line 20 down through “prosecution” in line 21; and in line 25, after “charge” insert “**OR CIVIL ACTION**”.

On page 6, in line 1, after “(vi)” insert “THE PLAINTIFF OR THE PLAINTIFF’S ATTORNEY;”

(VII)”;

in line 2, strike “(vii)” and substitute “(VIII)”; strike in their entirety lines 3 through 7, inclusive; and in line 8, strike “3.” and substitute “2.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 11 through 16, inclusive; in line 17, strike “(3)” and substitute “(2)”; in line 20, strike the brackets; and in the same line, strike “(4)”.

On pages 3 and 4, strike in their entirety the lines beginning with line 24 on page 3 through line 7 on page 4, inclusive.

On page 4, in lines 8 and 10, in each instance, strike the brackets; in line 8, strike “(6)”; in line 10, strike “(7)”; after line 14, insert:

“(6) (I) “VISUAL REPRESENTATION” OF AN IDENTIFIABLE PERSON MEANS:

1. AN UNALTERED IMAGE OF THE PERSON; OR
2. AN IMAGE CREATED WITH OR WITHOUT USING OTHER EXISTING DEPICTIONS OF THE PERSON THAT IS INDISTINGUISHABLE FROM THE PERSON, FROM THE PERSPECTIVE OF AN ORDINARY PERSON.

(II) “VISUAL REPRESENTATION” INCLUDES A COMPUTER-GENERATED IMAGE.

**(III) “VISUAL REPRESENTATION” DOES NOT INCLUDE AN  
IMAGE OR DEPICTION THAT IS:**

- 1.    A DRAWING;**
- 2.    A CARTOON;**
- 3.    A SCULPTURE; OR**
- 4.    A PAINTING.”;**

in line 22, strike “**(1)**”; in line 23, strike “his or her”; in lines 25 and 27, in each instance, strike the brackets; in line 25, strike “**(I)**”; in line 27, strike “**(II)**”; and in the same line, strike “**1.**”.

On page 5, in lines 1 and 3, in each instance, strike the brackets; in line 1, strike “**2.**”; in line 3, strike “**(III)**”; strike in their entirety lines 5 through 15, inclusive; and strike beginning with “**AND**” in line 19 down through “**REPRESENTATION**” in line 20.