



HOUSE BILL 399: Stop Images Taken W/O Consent From Dissemin.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 14, 2017
Introduced by:	Reps. Malone, Adcock, Faircloth, R. Turner	Prepared by:	Jennifer H. Bedford
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *House Bill 399 would amend the criminal law that prohibits the disclosure of private images.*

[As introduced, this bill was identical to S255, as introduced by Sens. Bishop, Britt, Bryant, which is currently in Senate Judiciary.]

BACKGROUND: S. L. 2015-250 created a new criminal offense for the disclosure of private images within the context of a personal relationship.

CURRENT LAW AND BILL ANALYSIS: It is illegal to knowingly disclose, with the intent to embarrass, an image of another person’s intimate parts without that person’s consent. (G. S. 14-190.5A)

Current law defines ‘image’ as “a photograph, film, videotape, recording, digital, or other reproduction.” **House Bill 399** would expand the definition to include a “live transmission, or other reproduction that is made or produced by electronic, mechanical, or other means.”

Current law only allows for an expectation of privacy in context of a “personal relationship”. **House Bill 399** would eliminate any reference to a “personal relationship”.

Current law prohibits *disclosing* an image in private circumstances. Disclosure includes transferring, publishing, distributing, or reproducing. **House Bill 399** would clarify that the law prohibits *obtaining* an image under private circumstances.

Current law provides a “**reasonable expectation of privacy**” standard, a legal term-of-art historically used in the analysis of constitutional violations of the fourth amendment by a representative of the state. House Bill 399 would amend the standard to “the depicted person **expected the images to remain private.**”

House Bill 399 would also direct the Joint Legislative Oversight Committee on Justice and Public Safety to study the issue of improper disclosure of an image of a person superimposed onto another image of exposed intimate parts, or depicting sexual conduct.

EFFECTIVE DATE: This act would become effective December 1, 2017, and would apply to offenses committed on or after that date.

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Director



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Legislative Analysis
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