

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0647.01 Michael Dohr x4347

HOUSE BILL 14-1104

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HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

(None),

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House Committees

Judiciary  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROHIBITING PUBLISHING INTIMATE PHOTOGRAPHS OF  
102 AN UNDERAGE PERSON ON THE INTERNET FOR REVENGE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill makes it a crime for a person to:

- ! Post or publish a photograph of a person who was under 18 years of age at the time of the photograph showing that person's uncovered genitals, buttocks, anus, or female breasts;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- ! Obtain the photograph during a relationship or sexual encounter with the victim; and
- ! Intend to embarrass, coerce, bully, annoy, harm, or cause emotional distress to the victim.

The crime is a class 5 felony with a mandatory minimum fine of \$10,000, and, upon conviction, the court must order the defendant or the entity where the photos are posted or published to remove the photographs from the internet.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-7-107 as  
3 follows:

4 **18-7-107. Posting intimate photographs of underage persons**  
5 **on the internet.** (1) A PERSON COMMITS A CLASS 5 FELONY IF THE  
6 PERSON:

7 (a) POSTS OR PUBLISHES A PHOTOGRAPH OF A PERSON UNDER  
8 EIGHTEEN YEARS OF AGE AT THE TIME OF THE PHOTOGRAPH SHOWING  
9 THAT PERSON'S UNCOVERED GENITALS, BUTTOCKS, ANUS, OR FEMALE  
10 BREASTS;

11 (b) OBTAINS THE PHOTOGRAPH DURING A RELATIONSHIP OR  
12 SEXUAL ENCOUNTER WITH THE VICTIM; AND

13 (c) INTENDS TO EMBARRASS, COERCE, BULLY, ANNOY, OR HARM  
14 THE VICTIM OR INTENDED TO CAUSE THE VICTIM EMOTIONAL DISTRESS.

15 (2) (a) IN ADDITION TO ANY OTHER SENTENCE THE COURT MAY  
16 IMPOSE, THE COURT SHALL FINE THE DEFENDANT AT LEAST TEN THOUSAND  
17 DOLLARS.

18 (b) IF A PERSON IS CONVICTED OF THE PROVISIONS OF SUBSECTION  
19 (1) OF THIS SECTION, THE COURT SHALL ORDER THE PERSON OR THE ENTITY  
20 WHERE THE PHOTOS ARE POSTED OR PUBLISHED TO REMOVE ALL  
21 PHOTOGRAPHS OF THE VICTIM THAT SHOWS THE VICTIM'S UNCOVERED

1 GENITALS, BUTTOCKS, ANUS, OR FEMALE BREASTS FROM THE INTERNET.

2 **SECTION 2. Potential appropriation.** Pursuant to section  
3 2-2-703, Colorado Revised Statutes, any bill that results in a net increase  
4 in periods of imprisonment in the state correctional facilities must include  
5 an appropriation of moneys that is sufficient to cover any increased  
6 capital construction and operational costs for the first five fiscal years in  
7 which there is a fiscal impact. Because this act may increase periods of  
8 imprisonment, this act may require a five-year appropriation.

9 **SECTION 3. Effective date - applicability.** This act takes effect  
10 July 1, 2014, and applies to offenses committed on or after said date.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.