

SECOND REGULAR SESSION

SENATE BILL NO. 1014

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time February 21, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6471S.011

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to the offense of nonconsensual dissemination of private sexual images, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 573, RSMo, is amended by adding thereto one new section, to be known as section 573.110, to read as follows:

573.110. 1. As used in this section, the following terms mean:

(1) "Computer", a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers;

(2) "Computer program", a series of coded instructions or statements in a form acceptable to a computer that causes the computer to process data and supply the results of the data processing;

(3) "Data", a representation in any form of information, knowledge, facts, concepts, or instructions including, but not limited to, program documentation that is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form including, but not limited to, printouts, magnetic or optical storage media, punch cards, data stored internally in the memory of the computer, or data stored externally that is accessible by the computer;

(4) "Image", a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body;

(5) "Intimate parts", the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus or, if the person is

21 female, a partially or fully exposed nipple, including exposure through
22 transparent clothing;

23 (6) "Private mobile radio services", private land mobile radio
24 services and other communications services characterized by the public
25 service commission as private mobile radio services;

26 (7) "Public mobile services", air-to-ground radio telephone
27 services, cellular radio telecommunications services, offshore radio,
28 rural radio services, public land mobile telephone services, and other
29 common carrier radio communications services;

30 (8) "Sexual act", sexual penetration, masturbation, or sexual
31 activity;

32 (9) "Sexual activity", any:

33 (a) Knowing touching or fondling by the victim or another
34 person or animal, either directly or through clothing, of the sex organs,
35 anus, or breast of the victim or another person or animal for the
36 purpose of sexual gratification or arousal;

37 (b) Transfer or transmission of semen upon any part of the
38 clothed or unclothed body of the victim for the purpose of sexual
39 gratification or arousal of the victim or another;

40 (c) Act of urination within a sexual context;

41 (d) Bondage, fetter, sadism, or masochism; or

42 (e) Sadomasochism abuse in any sexual context.

43 2. A person commits nonconsensual dissemination of private
44 sexual images if he or she:

45 (1) With the intent to harass, threaten, or coerce any individual,
46 intentionally disseminates an image of another person:

47 (a) Who is at least eighteen years of age;

48 (b) Who is identifiable from the image itself or information
49 displayed in connection with the image; and

50 (c) Who is engaged in a sexual act or whose intimate parts are
51 exposed, in whole or in part;

52 (2) Obtains the image under circumstances in which a reasonable
53 person would know or understand that the image was to remain
54 private; and

55 (3) Knows or should have known that the person in the image did
56 not consent to the dissemination.

57 3. A person commits the threat of nonconsensual dissemination

58 of private sexual images if he or she, with the intent to harass,
59 threaten, or coerce any individual, threatens to disseminate an image
60 of another person:

61 (1) Who is at least eighteen years of age;

62 (2) Who is identifiable from the image itself or information
63 displayed in connection with the image; and

64 (3) Who is engaged in a sexual act or whose intimate parts are
65 exposed, in whole or in part.

66 4. The following activities are exempt from the provisions of this
67 section:

68 (1) The intentional dissemination of an image of another
69 identifiable person who is engaged in a sexual act or whose intimate
70 parts are exposed if the dissemination is made for the purpose of a
71 criminal investigation that is otherwise lawful;

72 (2) The intentional dissemination of an image of another
73 identifiable person who is engaged in a sexual act or whose intimate
74 parts are exposed if the dissemination is for the purpose of, or in
75 connection with, the reporting of unlawful conduct;

76 (3) The intentional dissemination of an image of another
77 identifiable person who is engaged in a sexual act or whose intimate
78 parts are exposed if the images involve voluntary exposure in public or
79 commercial settings; or

80 (4) The intentional dissemination of an image of another
81 identifiable person who is engaged in a sexual act or whose intimate
82 parts are exposed if the dissemination serves a lawful public purpose.

83 5. Nothing in this section shall be construed to impose liability
84 upon the following entities solely as a result of content or information
85 provided by another person:

86 (1) An interactive computer service, as defined in 47 U.S.C.
87 230(f)(2);

88 (2) A provider of public mobile services or private mobile radio
89 services; or

90 (3) A telecommunications network or broadband provider.

91 6. A person convicted under this section is subject to the
92 forfeiture provisions under sections 513.600 to 513.660.

93 7. Nonconsensual dissemination of private sexual images is a
94 class D felony.

95 **8. The threat of nonconsensual dissemination of private sexual**
96 **images is a class A misdemeanor.**

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