

2024 -- H 7101

LC003372

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES

Introduced By: Representatives Knight, Speakman, Kislak, Cortvriend, Caldwell, Noret, Corvese, Casimiro, Kazarian, and Alzate

Date Introduced: January 10, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-64-3 of the General Laws in Chapter 11-64 entitled "Electronic
2 Imaging Devices" is hereby amended to read as follows:

3 **11-64-3. Unauthorized dissemination of indecent material.**

4 (a) A person is guilty of unauthorized dissemination of a sexually explicit visual image of
5 another person when the person intentionally, by any means, disseminates, publishes, or sells:

6 (1) A visual image that depicts another identifiable person eighteen (18) years or older
7 engaged in sexually explicit conduct or of the intimate areas of that person [including any image](#)
8 [created by a digital device or altered by digitization](#);

9 (2) The visual image was made, captured, recorded, or obtained under circumstances in
10 which a reasonable person would know or understand that the image was to remain private [or](#)
11 [created without the consent of the person](#);

12 (3) The visual image was disseminated, published, or sold without the consent of the
13 depicted person; and

14 (4) With knowledge or with reckless disregard for the likelihood that the depicted person
15 will suffer harm, or with the intent to harass, intimidate, threaten, or coerce the depicted person.

16 (b) Subsection (a) shall not apply to:

17 (1) A visual image that involves voluntary exposure of intimate areas or of sexually explicit
18 conduct in a public or commercial setting, or in a place where a person does not have a reasonable
19 expectation of privacy;

1 (2) Dissemination made in the public interest, scientific activities, or educational activities;

2 (3) Dissemination made in the course of a lawful public proceeding;

3 (4) Dissemination made for purposes of law enforcement, criminal reporting, corrections,
4 legal proceedings, the reporting of unlawful conduct, or for medical treatment; or

5 (5) Dissemination of an image that constitutes a matter of public concern, such as a matter
6 related to a newsworthy event or related to a public figure.

7 (c) For the purposes of this section, “intimate areas” means the naked genitals, pubic area,
8 buttocks, or any portion of the female breast below the top of the areola of a person that the person
9 intended to protect from public view.

10 (d) A first violation of this section shall be a misdemeanor and, upon conviction, subject to
11 imprisonment of not more than one year, a fine of not more than one thousand dollars (\$1,000), or
12 both. A second or subsequent violation of this section shall be a felony and, upon conviction,
13 subject to imprisonment for not more than three (3) years, a fine of not more than three thousand
14 dollars (\$3,000), or both.

15 (e) Any person who intentionally threatens to disclose any visual image described in
16 subsection (a) and makes the threat to obtain a benefit in return for not making the disclosure or in
17 connection with the threatened disclosure, shall be guilty of a felony and, upon conviction, be
18 subject to imprisonment for up to five (5) years, a fine of up to five thousand dollars (\$5,000), or
19 both.

20 (f) Any person who demands payment of money, property, services, or anything else of
21 value from a person in exchange for removing any visual image described in subsection (a) from
22 public view shall be guilty of a felony and, upon conviction, be subject to imprisonment for up to
23 five (5) years, a fine of up to five thousand dollars (\$5,000), or both.

24 (g) Those in violation of this section shall not be subject to sex offender registration
25 requirements as set forth in chapter 37.1 of title 11 entitled “Sexual Offender Registration and
26 Community Notification Act.”

27 (h) A violation of this section is committed within this state if any conduct that is an
28 element of the offense, or any harm to the depicted person resulting from the offense, occurs in this
29 state.

30 (i) Nothing in this section shall be construed to impose liability on an interactive computer
31 service, as defined in 47 U.S.C. § 230(f)(2), an information service, as defined in 47 U.S.C. § 153,
32 or a telecommunications service, as defined in § 44-18-7.1, for content provided by another person.

1 SECTION 2. This act shall take effect upon passage.

=====
LC003372
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES

1 This act would criminalize the unauthorized dissemination of sexually explicit images of
2 another person that are created by digital devices or created without the consent of the person
3 depicted.

4 This act would take effect upon passage.

=====
LC003372
=====