



Senate

General Assembly

File No. 616

February Session, 2014

Substitute Senate Bill No. 489

Senate, April 17, 2014

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE OF ANOTHER PERSON.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) A person is guilty of
2 unlawful dissemination of an intimate image when, with the intent to
3 harass, annoy, alarm or terrorize another person, such person
4 electronically disseminates, without the consent of such other person, a
5 photograph, film, videotape or other recorded image of (1) the genitals,
6 pubic area or buttocks of such other person, or the breast of such other
7 person who is female with less than a fully opaque covering of any
8 portion of such breast below the top of the nipple, or (2) such other
9 person engaged in sexual intercourse, as defined in section 53a-193 of
10 the general statutes.

11 (b) The provisions of subsection (a) of this section shall not apply to:

12 (1) Images involving voluntary exposure by such other person in a
13 public or commercial setting; or

14 (2) Images where such other person is not clearly identifiable.

15 (c) Unlawful dissemination of an intimate image is a class A
16 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill creates a new offense of unlawful dissemination and makes violation of the offense a class A misdemeanor. This bill results in a potential revenue gain from fines and a potential cost for incarceration and probation. To the extent that offenders are prosecuted for new offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 489*****AN ACT CONCERNING THE UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE OF ANOTHER PERSON.*****SUMMARY:**

This bill creates a new crime to punish someone who:

1. electronically disseminates certain photos, film, videos, or other recorded images of a person without consent and
2. does so intending to harass, annoy, alarm, or terrorize the person.

Under the bill, the disseminated image must be of the (1) other person engaged in sexual intercourse or (2) other person's genitals, pubic area, buttocks, or, if a female, breast with less than a fully opaque covering of any portion below the top of the nipple. But the bill does not apply to an image if the person (1) voluntarily exposed himself or herself in a public or commercial setting or (2) is not clearly identifiable.

The bill makes this conduct a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1 (04/02/2014)