OLR Bill Analysis
SB 843

AN ACT CONCERNING THE UNLAWFUL DISSEMINATION OF INTIMATE IMAGES.

SUMMARY

This bill raises the penalty for unlawful dissemination of an intimate image if it is sent to more than one person by certain electronic means.

Under the bill, it is a class D felony, punishable by up to five years in prison, up to a $5,000 fine, or both, to unlawfully disseminate an intimate image to more than one person by using an information service, telecommunications service, or interactive computer service.

Under current law, it is a class A misdemeanor, punishable by up to one year in prison, up to a $2,000 fine, or both, to unlawfully disseminate an intimate image. The bill retains this penalty for unlawfully disseminating such an image to one person by any means. (Presumably, the penalty under the bill for disseminating an intimate image to more than one person without using any of the above electronic services remains a class A misdemeanor.)

EFFECTIVE DATE: October 1, 2019

UNLAWFUL DISSEMINATION TO MORE THAN ONE PERSON

Under the bill, a person commits the offense when:

1. he or she uses an information service, telecommunications service, or interactive computer service to disseminate to more than one person a photograph, film, videotape, or other recorded image of (a) another person’s genitals, pubic area, or buttocks with less than a fully opaque covering over the body part; (b) a female’s breast with less than a fully opaque covering of the breast below the top of the nipple; or (c) another person engaged in sexual intercourse;
2. he or she does so without the subject’s consent and knowing that the subject understood that the image would not be disseminated; and

3. the subject suffers harm as a result of the dissemination.

Dissemination of one of the above images is not an offense if (1) the image resulted from voluntary exposure or sexual intercourse in a public place or commercial setting, (2) the subject is not clearly identifiable, or (3) disseminating the image serves a public interest.

For these purposes, “disseminate” means to sell, give, provide, lend, trade, deliver, transfer, publish, circulate, present, exhibit, advertise, or otherwise offer.

TECHNOLOGY SERVICES DEFINED

Under the bill, an “information service” means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via telecommunications, and includes electronic publishing. It does not include use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

A “telecommunications service” means any transmission in one or more geographic areas

1. between or among points the user specifies;

2. of information of the user's choosing;

3. without change in the information’s form or content as sent and received;

4. by electromagnetic transmission, including fiber optics, microwave, and satellite;

5. with or without benefit of any closed transmission medium; and
6. including all instrumentalities, facilities, apparatus and services, except customer premises equipment, that are used to collect, store, forward, switch, and deliver such information and are essential to the transmission.

An “interactive computer service” is any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides Internet access and systems operated or services offered by libraries or educational institutions.

The law against unlawful dissemination of intimate images under the bill and current law cannot be construed to impose liability on any of the above providers for content another person provides.

COMMITTEE ACTION
Judiciary Committee

Joint Favorable
Yea 40  Nay 0  (04/09/2019)