

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page  
2 7, Section 559.106, Line 29, by inserting after said section and line the following:

3  
4 "573.110. 1. As used in this section and section 573.112, the following terms mean:

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

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

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

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

18 (5) "Intimate parts", the fully unclothed, partially unclothed, or transparently clothed  
19 genitals, pubic area, or anus or, if the person is female, a partially or fully exposed nipple, including  
20 exposure through transparent clothing;

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

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

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

28 (9) "Sexual activity", any:

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

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

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

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

36 (e) Sodomasochism abuse in any sexual context.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           2. A person commits the offense of nonconsensual dissemination of private sexual images if  
2 he or she:

3           (1) Intentionally disseminates an image with the intent to harass, threaten, or coerce ~~an~~  
4 ~~image of~~ another person:

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

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

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

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

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

13           3. The following activities are exempt from the provisions of this section:

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

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

20           (3) The intentional dissemination of an image of another identifiable person who is engaged  
21 in a sexual act or whose intimate parts are exposed if the image involves voluntary exposure in a  
22 public or commercial setting; or

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

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

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

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

30           (3) A telecommunications network or broadband provider.

31           5. A person convicted under this section is subject to the forfeiture provisions under sections  
32 513.600 to 513.660.

33           6. The offense of nonconsensual dissemination of private sexual images is a class D felony.

34           7. In addition to the criminal penalties listed in subsection 6 of this section, the person in  
35 violation of the provisions of this section shall also be subject to a private cause of action from the  
36 depicted person. Any successful private cause of action brought under this subsection shall result in  
37 an award equal to ten thousand dollars or actual damages, whichever is greater, and in addition shall  
38 include attorney's fees. Humiliation or embarrassment shall be an adequate ~~show~~ showing that the  
39 plaintiff has incurred damages; however, no physical manifestation of either humiliation or  
40 embarrassment is necessary for damages to be shown."; and

41  
42 Further amend said bill by amending the title, enacting clause, and intersectional references  
43 accordingly.