

FIRST REGULAR SESSION

HOUSE BILL NO. 706

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

1478H.011

D. ADAM CRUMBLISS, Chief Clerk

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 a penalty provision.

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
2 known as section 573.110, to read as follows:

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

26 (9) "Sexual activity", any:

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

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

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

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

35 (e) Sadomasochism abuse in any sexual context.

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

38 (1) Intentionally disseminates an image of another person:

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

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

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

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

46 (3) Knows or should have known that the person in the image has not consented
47 to the dissemination.

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

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

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

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

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

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

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

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

65 **(3) A telecommunications network or broadband provider.**

66 **5. A person convicted under this section is subject to the forfeiture provisions under**
67 **sections 513.600 to 513.660.**

68 **6. Nonconsensual dissemination of private sexual images is a class D felony.**

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