

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1560

By: Pittman

AS INTRODUCED

An Act relating to nonconsensual disclosure of a private image; stating certain disclosures to be unlawful; providing definitions; providing exceptions; providing for penalties; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1040.57 of Title 21, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for anyone to knowingly disclose a photograph, film, videotape, recording or other reproduction of the image of another person whose intimate parts are exposed or who is engaged in an act of sexual contact, when the actor knows or should have known that the person depicted did not consent to such disclosure and under circumstances in which the person has a reasonable expectation of privacy. A person who has consented to the capture or possession of an image within the context of a private or confidential relationship retains a reasonable

1 expectation of privacy with regard to disclosure beyond that
2 relationship.

3 A. Definitions. For the purpose of this section:

4 1. "Disclose" includes transferring, publishing, distributing,
5 exhibiting, advertising, or offering.

6 2. "Image" includes a photograph, film, videotape, recording,
7 digital or other reproduction.

8 3. "Intimate parts" means the naked genitals, pubic area, or
9 female adult nipple of the person.

10 4. "Sexual act" is sexual intercourse including genital, anal
11 or oral sex.

12 B. Exceptions:

13 1. Lawful and common practices of law enforcement, criminal
14 reporting, legal proceedings, or medical treatment;

15 2. The reporting of unlawful conduct;

16 3. Images of voluntary exposure by the individual in public or
17 commercial settings; or

18 4. Disclosures that serve a bona fide and lawful purpose.

19 C. Any person who violates this provision of this section shall
20 be guilty of a misdemeanor; provided, however, that upon a second or
21 subsequent violation of this section, he or she shall be guilty of a
22 felony and, upon conviction thereof, shall be punished by
23 imprisonment of not less than one (1) year, a fine of not more than
24 One Hundred Thousand Dollars (\$100,000.00), or both.

SECTION 2. This act shall become effective November 1, 2016.

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