

SENATE BILL 2409

By Yarbrow

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to nonconsensual
pornography.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

(a) It is an offense to knowingly disclose to another an image of a person:

(1) Who is identifiable from the image itself, or from information displayed in connection with the image;

(2) Whose intimate parts are exposed or who is engaged in a sexual act;

(3) When the person disclosing the image knows or reasonably should know that the depicted person has not consented to the disclosure; and

(4) If the disclosure would offend or embarrass an ordinary person if the person knew of the disclosure.

(b) Subsection (a) does not apply to:

(1) Images involving voluntary exposure in public or commercial settings;

(2) Images transferred to the person depicted in the images by the person who originally captured the images if the person depicted in the images consents to the transfer and the images are disclosed only to the person depicted; or

(3) Disclosures made in the public interest, including the reporting of unlawful conduct or for the purpose of law enforcement investigations, legal proceedings, or medical treatment.

(c) A violation of subsection (a) is a Class E felony.

(d) For purposes of this section:

(1) "Disclose" includes transferring, publishing, or reproducing;

(2) "Image" includes a photograph, film, videotape, digital recording, or other reproduction;

(3) "Intimate parts" means the naked genitals, pubic area, anus, or female post-pubescent nipple of a person; and

(4) "Sexual act" includes, but is not limited to:

(A) Masturbation;

(B) Genital, anal, or oral sex;

(C) Sexual penetration with an object; or

(D) The transfer or transmission of semen upon any part of a depicted person's body.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.