INTRODUCED BY ISAACSON, BOBACK, CALTAGIRONE, CEPHAS, DeLUCA, FRANKEL, HILL-EVANS, HOKENSTEIN, HOWARD, JOHNSON-HARRELL, KENYATTA, KINSEY, KOSIEROWSKI, MURT, OTTEN, READSHAW, ROZZI, SCHLOSSBERG, SCHWEYER AND YOUNGBLOOD, OCTOBER 22, 2019

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 22, 2019

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, providing for the offense of unsolicited dissemination of intimate image.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3133. Unsolicited dissemination of intimate image.

(a) Offense defined.--A person commits the offense of unsolicited dissemination of intimate image if the person knowingly transmits, distributes, publishes or disseminates an electronic communication containing a sexually explicit image that is not transmitted, distributed, published or disseminated at the request of a recipient or with the express consent of a recipient.

(b) Grading.--An offense under subsection (a) shall be a summary offense.
(c) Territorial applicability.--A person may be convicted under the provisions of this section if the victim or the offender is located within this Commonwealth.

(d) Nonapplicability.--Nothing in this section shall be construed to apply to a law enforcement officer engaged in the performance of the law enforcement officer's official duties.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disseminate." To cause or make an electronic or actual communication from one person, place or electronic communication device to two or more other persons, places or electronic communication devices.

"Distribute." To deliver or pass out.

"Electronic communication." As defined in section 5702 (relating to definitions).

"Law enforcement officer." An officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated in this title or an equivalent crime in another jurisdiction, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

"Nudity." The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

"Publish." To issue for distribution.
"Sexually explicit image." A lewd or lascivious visual depiction of a person's genitals, pubic area, breast or buttocks or nudity, if the nudity is depicted for the purpose of sexual stimulation or gratification of a person who might view the nudity.

"Transmit." To cause or make an electronic communication from one person, place or electronic communication device to only one other person, place or electronic communication device.

"Visual depiction." A representation by picture, including, but not limited to, a photograph, videotape, film or computer image.

Section 2. This act shall take effect in 60 days.