



## SUMMARY OF THE BILL

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Senate Bill 2694 would make it a felony to post sexually explicit videos or photos of another person, without their consent, to an Internet site. If passed, it would also make it illegal to host a website that requires victims to pay a fee to have the explicit videos or photos removed.

## DETAILS OF THE BILL

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- Legislation targets people who knowingly posts explicit images or video of another person, without their knowledge or consent, to the Internet for pornographic purposes.
- Also targets individuals who solicit or accept payment to remove a person's private material or identifying information, which has been posted or published without that person's knowledge or consent.
- Current law prohibits individuals from posting identifying content of a minor, or an adult without consent, on a pornographic site.
- Current law prohibits individuals from posting sexually explicit content of a minor on a Internet site
  - No law to prevent individuals from posting sexually explicit content of an adult, without their consent, to an Internet site.
- Law would make revenge porn a Class 4 felony, punishable by up to 3 years in jail and a \$25,000 fine.

## WHY IS THIS BILL IMPORTANT

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While there may be civil remedies available to victims, there is no criminal deterrent that would prevent someone from committing this act.

## IMPORTANT FACTS

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- New Jersey and California, have passed laws criminalizing revenge porn.
  - In 2004, New Jersey criminalized revenge porn. The statute makes it a third degree crime to disclose pictures or videos of a sexual nature without the consent of the subject of those materials. Violation of the law may be punishable by up to a \$30,000 fine.
    - New Jersey's criminalization statute is seen by advocates of criminalizing revenge porn as strong and comprehensive.
  - In 2013, California criminalized revenge porn. The law makes it a misdemeanor for a person to photograph or record the "intimate body parts" of an "identifiable person" and distribute that material when the parties had agreed or understood such material to

be private. Violation of the law may be punishable by up to 6 months in county jail and/or a \$1,000 fine.

- California's statute, in part due to lobbying efforts by civil liberties groups like the ACLU and EFF, is seen by pro-criminalization advocates as weak and full of loopholes.
- The Cyber Civil Rights Initiative has estimated that 80 percent of revenge-porn images were recorded by the victim.

## Editorials

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The New York Times, October 13, 2013:

[http://www.nytimes.com/2013/10/13/opinion/sunday/fighting-back-against-revenge-porn.html?\\_r=0](http://www.nytimes.com/2013/10/13/opinion/sunday/fighting-back-against-revenge-porn.html?_r=0)

Bloomberg News, January 13, 2013:

<http://www.bloomberg.com/news/2013-10-13/tackling-the-menace-of-revenge-porn.html>

Washington Post, January 17, 2014:

[http://www.washingtonpost.com/opinions/states-can-address-revenge-porn-with-carefully-crafted-laws/2014/01/17/4b71dee8-7f0d-11e3-95c6-0a7aa80874bc\\_story.html](http://www.washingtonpost.com/opinions/states-can-address-revenge-porn-with-carefully-crafted-laws/2014/01/17/4b71dee8-7f0d-11e3-95c6-0a7aa80874bc_story.html)

## Other media attention

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CBS Chicago, February 18, 2013 (noting this has happened to an anonymous woman from the suburbs of Chicago):

<http://chicago.cbslocal.com/2013/02/18/2-investigators-website-demands-250-to-remove-revenge-porn/>

Cosmopolitan, September 26, 2013:

<http://www.cosmopolitan.com/sex-love/advice/revenge-porn-shutting-it-down>

Washington Post, October 30, 2013:

<http://www.washingtonpost.com/blogs/govbeat/wp/2013/10/30/anti-revenge-porn-group-focusing-on-state-bans-for-now/>

NBC Chicago, November 5, 2013 (noting there is no effort underway in IL):

<http://www.csmonitor.com/USA/Latest-News-Wires/2013/1116/Chiarini-photo-A-push-to-make-revenge-porn-illegal>

Boston.com, November 15, 2013 (via AP):

<http://www.boston.com/news/nation/washington/2013/11/15/revenge-porn-victims-press-for-new-laws/M9Bgnkk8ZCg01tO16gXWiO/story.html>

Time, December 10, 2013:

<http://nation.time.com/2013/12/10/a-new-strategy-for-prosecuting-revenge-porn/>

WKYC Ohio, December 18, 2013 (discussing cases of revenge porn in Ohio):

<http://www.wkyc.com/story/news/crime/2013/12/17/revenge-porn-laws/4057881/>

LA Times, December 17, 2013 (discussing further action to be taken by CA legislature):

<http://www.latimes.com/local/political/la-me-pc-california-bills-to-target-ghost-guns-revenge-porn-20131217,0,4064605.story#axzz2ponrdhWx>

The Daily Beast, January 7, 2014:

<http://www.thedailybeast.com/articles/2014/01/07/when-sexting-gets-ugly-flirting-can-become-fodder-for-revenge-porn.html?url=/articles/2014/01/07/when-sexting-gets-ugly-flirting-can-become-fodder-for-revenge-porn.html>

Al Jazeera America, January 14, 2014:

<http://america.aljazeera.com/articles/2014/1/14/growing-movementagainststrevengepornaimstoendonlineharassment.html>