



February 15, 2019

HOUSE BILL No. 1333

DIGEST OF HB 1333 (Updated February 13, 2019 5:04 pm - DI 131)

Citations Affected: IC 35-31.5; IC 35-45.

Synopsis: Nonconsensual pornography. Defines "intimate image" and makes it a Class A misdemeanor for a person to distribute an intimate image of an individual whom the person: (1) knows does not consent to the distribution of the intimate image; and (2) knowingly or intentionally distributes the intimate image with the intent to annoy, harm, harass, intimidate, threaten, or coerce; the other person. Increases the penalty to a Level 6 felony for a second or subsequent offense.

Effective: July 1, 2019.

Speedy, Stutzman

January 14, 2019, read first time and referred to Committee on Courts and Criminal Code.
February 14, 2019, amended, reported — Do Pass.

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February 15, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1333

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-31.5-2-100, AS ADDED BY P.L.114-2012,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 100. (a) **"Distribute", for purposes of**
4 **IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**
5 (a) ~~(b)~~ **"Distribute",** for purposes of IC 35-46-1-10, has the meaning
6 set forth in IC 35-46-1-10(e).
7 ~~(b)~~ **(c)** **"Distribute",** for purposes of IC 35-46-1-10.2, has the
8 meaning set forth in IC 35-46-1-10.2(e).
9 ~~(c)~~ **(d)** **"Distribute",** for purposes of IC 35-47.5, has the meaning set
10 forth in IC 35-47.5-2-6.
11 ~~(d)~~ **(e)** **"Distribute",** for purposes of IC 35-48, has the meaning set
12 forth in IC 35-48-1-14.
13 ~~(e)~~ **(f)** **"Distribute",** for purposes of IC 35-49, has the meaning set
14 forth in IC 35-49-1-2.
15 SECTION 2. IC 35-31.5-2-176.2 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: **Sec. 176.2. "Intimate image", for**

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purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.

SECTION 3. IC 35-45-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) This section does not apply to a photograph, digital image, or video that is distributed:

- (1) to report a possible criminal act;
- (2) in connection with a criminal investigation; or
- (3) under a court order.

(b) As used in this section, "distribute" means to transfer to another person in, or by means of, any medium, forum, telecommunications device or network, or Internet web site, including posting an image on an Internet web site or application.

(c) As used in this section, "intimate image" means a photograph, digital image, or video:

- (1) that depicts:
 - (A) sexual intercourse;
 - (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 - or
 - (C) exhibition of the uncovered buttocks, genitals, or female breast;
- of a person; and
- (2) that was created with the consent of the person depicted in the image.

(d) A person who:

- (1) knows that a person depicted in an intimate image does not consent to the distribution of the intimate image; and
- (2) knowingly or intentionally distributes the intimate image with the intent to:
 - (A) annoy;
 - (B) harm;
 - (C) harass;
 - (D) intimidate;
 - (E) threaten; or
 - (F) coerce;

the other person;

commits distribution of an intimate image, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1333, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1333 as introduced.)

MCNAMARA

Committee Vote: yeas 10, nays 1.

