

# SENATE BILL No. 243

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-45-4-8.

**Synopsis:** Nonconsensual pornography. Defines "intimate image" and makes it a Class A misdemeanor for a person to distribute or display an intimate image of an individual whom the person knows or reasonably should know does not consent to the distribution or display of the intimate image. Increases the penalty to a Level 6 felony for a second or subsequent offense.

**Effective:** July 1, 2019.

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## Freeman

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January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.

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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.

## SENATE BILL No. 243

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 35-31.5-2-97.4 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2019]: **Sec. 97.4. "Display", for purposes of**
- 4 **IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**
- 5 SECTION 2. IC 35-31.5-2-100, AS ADDED BY P.L.114-2012,
- 6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2019]: Sec. 100. (a) **"Distribute", for purposes of**
- 8 **IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**
- 9 (a) (b) **"Distribute", for purposes of IC 35-46-1-10, has the meaning**
- 10 **set forth in IC 35-46-1-10(e).**
- 11 (b) (c) **"Distribute", for purposes of IC 35-46-1-10.2, has the**
- 12 **meaning set forth in IC 35-46-1-10.2(e).**
- 13 (c) (d) **"Distribute", for purposes of IC 35-47.5, has the meaning set**
- 14 **forth in IC 35-47.5-2-6.**
- 15 (d) (e) **"Distribute", for purposes of IC 35-48, has the meaning set**
- 16 **forth in IC 35-48-1-14.**
- 17 (e) (f) **"Distribute", for purposes of IC 35-49, has the meaning set**



- 1       forth in IC 35-49-1-2.
- 2       SECTION 3. IC 35-31.5-2-176.2 IS ADDED TO THE INDIANA
- 3       CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4       [EFFECTIVE JULY 1, 2019]: **Sec. 176.2. "Intimate image", for**
- 5       **purposes of IC 35-45-4-8, has the meaning set forth in**
- 6       **IC 35-45-4-8.**
- 7       SECTION 4. IC 35-45-4-8 IS ADDED TO THE INDIANA CODE
- 8       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9       1, 2019]: **Sec. 8. (a) This section does not apply to a photograph,**
- 10       **digital image, or video that is distributed or displayed:**
- 11       (1) to report a possible criminal act;
- 12       (2) in connection with a criminal investigation; or
- 13       (3) under a court order.
- 14       (b) As used in this section, "display" means to show or to
- 15       exhibit.
- 16       (c) As used in this section, "distribute" means to transfer to
- 17       another person in, or by means of, any medium, forum,
- 18       telecommunications device or network, or Internet web site.
- 19       (d) As used in this section, "intimate image" means a
- 20       photograph, digital image, or video:
- 21       (1) that depicts:
- 22       (A) sexual intercourse;
- 23       (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
- 24       or
- 25       (C) exhibition of the uncovered buttocks, genitals, or
- 26       female breast;
- 27       of a person; and
- 28       (2) that was created with the consent of the person depicted in
- 29       the image.
- 30       (e) A person who:
- 31       (1) knows or reasonably should know that a person depicted
- 32       in an intimate image does not consent to the distribution or
- 33       display of the intimate image to another person; and
- 34       (2) knowingly or intentionally distributes or displays the
- 35       intimate image to another person;
- 36       commits distribution of an intimate image, a Class A misdemeanor.
- 37       However, the offense is a Level 6 felony if the person has a prior
- 38       unrelated conviction under this section.

