

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 ENROLLED ACT No. 243

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

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

SECTION 1. IC 35-31.5-2-100, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 100. (a) **"Distribute", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**

(~~a~~) (b) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

(~~b~~) (c) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

(~~c~~) (d) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

(~~d~~) (e) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(~~e~~) (f) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

SECTION 2. IC 35-31.5-2-176.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 176.2. "Intimate image", for 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**

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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;**
- (3) under a court order; or**
- (4) to a location that is:**
 - (A) intended solely for the storage or backup of personal data, including photographs, digital images, and video; and**
 - (B) password protected.**

(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 an individual; and**
- (2) taken, captured, or recorded by:**
 - (A) an individual depicted in the photograph, digital image, or video and given or transmitted directly to the person described in subsection (d); or**
 - (B) the person described in subsection (d) in the physical presence of an individual depicted in the photograph, digital image, or video.**

(d) A person who:

- (1) knows or reasonably should know that an individual depicted in an intimate image does not consent to the distribution of the intimate image; and**
- (2) distributes the intimate image;**

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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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