

2014 -- S 2644 AS AMENDED

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LC004949  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL OFFENSES - ELECTRONIC IMAGING DEVICES

Introduced By: Senators Lynch, Lombardi, and Pearson

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-64-1 of the General Laws in Chapter 11-64 entitled "Electronic  
2 Imaging Devices" is hereby amended to read as follows:

3 **11-64-1. Definitions.** -- (1) For the purposes of this section the following definitions  
4 apply:

5 (a) "Disseminate" means to make available by any means to any person.

6 (b) "Imaging Device" means any electronic instrument capable of capturing, recording,  
7 storing or transmitting visual images.

8 (c) "Intimate areas" means the naked or undergarment clad genitals, pubic area, buttocks,  
9 or any portion of the female breast below the top of the areola of a person which the person  
10 intended to be protected from public view.

11 (d) "Legal entity" means any partnership, firm, association, corporation or any agent or  
12 servant thereof.

13 (e) "Publish" means to:

14 (i) Disseminate with the intent that such image or images be made available by any  
15 means to any person or other legal entity;

16 (ii) Disseminate with the intent such images be sold by another person or legal entity;

17 (iii) Post, present, display, exhibit, circulate, advertise or allow access by any means, so  
18 as to make an image or images available to the public; or

19 (iv) Disseminate with the intent that an image or images be posted, presented, displayed,

1 exhibited, circulated, advertised or made accessible by any means, and to make such images  
2 available to the public.

3 (f) "Sell" means to disseminate to another person, or to publish, in exchange for  
4 something of value.

5 (g) "Sexually explicit conduct" means actual:

6 (i) Graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or  
7 oral-anal, or lascivious sexual intercourse where the genitals, or pubic area of any person is  
8 exhibited;

9 (ii) Bestiality;

10 (iii) Masturbation; or

11 (iv) Sadistic or masochistic abuse.

12 SECTION 2. Chapter 11-64 of the General Laws entitled "Electronic Imaging Devices"  
13 is hereby amended by adding thereto the following section:

14 **11-64-3. Unauthorized dissemination of indecent material.** – (a) A person is guilty of  
15 unauthorized dissemination of indecent material when such person uses an imaging device to  
16 capture, record, or store visual images of another person eighteen (18) years of age or older  
17 engaged in sexually explicit conduct or of the intimate areas of another person, with or without  
18 that other person's knowledge and consent under circumstances in which that other person would  
19 have a reasonable expectation of privacy and, thereafter, without the consent of the person or all  
20 persons depicted in the visual image, intentionally disseminates, publishes, or sells such visual  
21 image or images.

22 (b) Constitutionally protected activity is not subject to the provisions of this section.

23 (c) Those in violation of this section shall be guilty of a felony and subject to  
24 imprisonment for not more than three (3) years, a fine of not more than three thousand dollars  
25 (\$3,000), or both.

26 (d) Those in violation of this section shall not be subject to sex offender registration  
27 requirements set forth in § 11-37.1-1 et seq., entitled "Sexual Offender Registration and  
28 Community Notification Act."

29 (e) Nothing in this section shall be construed to impose liability on an interactive  
30 computer service, as defined in 47 U.S.C. 230(f)(2), an information service, as defined in 47  
31 U.S.C. 153, or a telecommunications service, as defined in § 44-18-7.1, for content provided by  
32 another person.

33 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO CRIMINAL OFFENSES - ELECTRONIC IMAGING DEVICES

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1           This act would prohibit the dissemination, publication, or sale of visual images of another  
2 person engaged in sexually explicit conduct, or the intimate areas of that person, without that  
3 person's consent and under circumstances in which that person would have a reasonable  
4 expectation of privacy.

5           This act would take effect upon passage.

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