

118TH CONGRESS
2D SESSION

H. R. 8387

To amend title 18, United States Code, to prohibit the disclosure of intimate images, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2024

Ms. MACE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the disclosure of intimate images, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victimizer Account-
5 ability for Nonconsensual Images and Spiteful Humilia-
6 tion Act” or the “VANISH Act”.

7 **SEC. 2. VISUAL DEPICTION PRIVACY.**

8 (a) IN GENERAL.—Chapter 88 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 1802. Prohibition of disclosure of intimate images**

2 “(a) OFFENSE.—Except as provided in subsection
3 (b), whoever—

4 “(1) recklessly discloses, in or affecting inter-
5 state or foreign commerce or using any means, chan-
6 nel, facility, or instrumentality of interstate or for-
7 eign commerce, an intimate visual depiction of an in-
8 dividual, without the consent of the individual;

9 “(2) knowingly threatens to commit an offense
10 described in paragraph (1); or

11 “(3) conspires to commit an offense described
12 in paragraph (1),

13 shall be fined under this title, imprisoned not more than
14 5 years, or both.

15 “(b) CONSENT.—For purposes of subsection (a)—

16 “(1) the fact that the depicted individual con-
17 sented to the creation of the intimate visual depic-
18 tion shall not establish that the person consented to
19 its disclosure;

20 “(2) the fact that the depicted individual is a
21 public figure shall not establish that the depicted in-
22 dividual consented to the disclosure of the intimate
23 visual depiction; and

24 “(3) the fact that the depicted individual dis-
25 closed the intimate visual depiction to someone else
26 shall not establish that the depicted individual con-

1 sented to the further disclosure of the intimate vis-
2 ual depiction by the person alleged to have violated
3 subsection (a).

4 “(c) EXCEPTIONS.—

5 “(1) IN GENERAL.—This section shall not apply
6 with respect to—

7 “(A) an intimate visual depiction that is
8 commercial pornographic content, unless that
9 content was produced by force, fraud, misrepre-
10 sentation, or coercion of the depicted individual;

11 “(B) a disclosure made in good faith—

12 “(i) to a law enforcement officer or
13 agency;

14 “(ii) as part of a legal proceeding;

15 “(iii) as part of medical education, di-
16 agnosis, or treatment; or

17 “(iv) in the reporting or investigation
18 of—

19 “(I) unlawful content; or

20 “(II) unsolicited or unwelcome
21 conduct;

22 “(C) matter of public concern or public in-
23 terest; or

24 “(D) a disclosure reasonably intended to
25 assist the identifiable individual.

1 “(2) SERVICE PROVIDERS.—This section shall
2 not apply to any provider of a communications serv-
3 ice with regard to content provided by another infor-
4 mation content provider unless the provider of the
5 communications service intentionally solicits, or
6 knowingly and predominantly distributes, content
7 that the provider of the communications service
8 knows is in violation of this section.

9 “(3) CLARIFICATION.—The fact that an inti-
10 mate visual depiction depicts a public figure does not
11 constitute an exception under paragraph (1)(C).

12 “(d) EXTRATERRITORIALITY.—There is
13 extraterritorial Federal jurisdiction over an offense under
14 this section if the alleged offender or the depicted indi-
15 vidual is a national of the United States (as such term
16 is defined in section 101 of the Immigration and Nation-
17 ality Act (8 U.S.C. 1101)).

18 “(e) DEFINITIONS.—In this section:

19 “(1) The term ‘consent’ means an affirmative,
20 conscious, competent, and voluntary authorization
21 made by the individual free from force, fraud, mis-
22 representation, or coercion.

23 “(2) The term ‘depicted individual’ means an
24 individual whose body appears in whole or in part in
25 an intimate visual depiction and who is identifiable

1 by virtue of the person’s face, likeness, or other dis-
2 tinguishing characteristic, such as a unique birth-
3 mark or other recognizable feature, or from informa-
4 tion displayed in connection with the visual depic-
5 tion.

6 “(3) The term ‘disclose’ means to transfer, pub-
7 lish, distribute, or make accessible.

8 “(4) The term ‘intimate visual depiction’—

9 “(A) means a visual depiction, as that
10 term is defined in section 2256(5), that de-
11 picts—

12 “(i) the uncovered genitals, pubic
13 area, anus, or female nipple of an identifi-
14 able individual; or

15 “(ii) the display or transfer of bodily
16 sexual fluids—

17 “(I) on to any part of the body
18 of an identifiable individual; or

19 “(II) from the body of an identi-
20 fiable individual; or

21 “(iii) an identifiable individual engag-
22 ing in sexually explicit conduct; and

23 “(B) includes any visual depictions de-
24 scribed in subparagraph (A) produced while the

1 identifiable individual was in a public place only
2 if the individual did not—

3 “(i) voluntarily display the content de-
4 picted; or

5 “(ii) consent to the sexual conduct de-
6 picted.

7 “(5) The term ‘sexually explicit conduct’ has
8 the meaning given the term in subparagraph (A) of
9 section 2256(2).

10 “(6) The term ‘communications service’
11 means—

12 “(A) a service provided by a person that is
13 a common carrier, as that term is defined in
14 section 3 of the Communications Act of 1934
15 (47 U.S.C. 153), insofar as the person is acting
16 as a common carrier;

17 “(B) an electronic communication service,
18 as that term is defined in section 2510;

19 “(C) an information service, as that term
20 is defined in section 3 of the Communications
21 Act of 1934 (47 U.S.C. 153); and

22 “(D) an interactive computer service, as
23 that term is defined in section 230(f) of the
24 Communications Act of 1934 (47 U.S.C.
25 230(f)).

1 “(7) The term ‘information content provider’
2 has the meaning given such term i section 230(f) fo
3 the Communications Act of 1934 (47 U.S.C.
4 230(f)).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 88 of title 18, United States Code, is amended
7 by adding at the end the following:

“1802. Prohibition of disclosure of intimate images.”.

