
SECOND SUBSTITUTE HOUSE BILL 1272

State of Washington

64th Legislature

2015 Regular Session

By House General Government & Information Technology (originally sponsored by Representatives Buys, Orwall, and Pollet)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to the wrongful distribution of intimate images;
2 adding a new chapter to Title 9A RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) A person commits the crime of
5 disclosing intimate images when the person knowingly discloses an
6 intimate image of another person and the person disclosing the image:

7 (a) Obtained it under circumstances in which a reasonable person
8 would know or understand that the image was to remain private; and

9 (b) Knows or should have known that the depicted person has not
10 consented to the disclosure.

11 (2) This section does not apply to:

12 (a) Images involving voluntary exposure in public or commercial
13 settings; or

14 (b) Disclosures made in the public interest including, but not
15 limited to, the reporting of unlawful conduct, or the lawful and
16 common practices of law enforcement, criminal reporting, legal
17 proceedings, or medical treatment.

18 (3) This section does not impose liability upon the following
19 entities solely as a result of content provided by another person:

20 (a) An interactive computer service, as defined in 47 U.S.C. Sec.
21 230(f)(2);

1 (b) A provider of public or private mobile service, as defined in
2 section 13-214 of the public utilities act; or

3 (c) A telecommunications network or broadband provider.

4 (4) For purposes of this section:

5 (a) "Disclosing" includes transferring, publishing, or
6 disseminating, as well as making a digital depiction available for
7 distribution or downloading through the facilities of a
8 telecommunications network or through any other means of transferring
9 computer programs or data to a computer;

10 (b) "Intimate image" means any photograph, motion picture film,
11 videotape, digital image, or any other recording or transmission of
12 another person who is identifiable from the image itself or from
13 information displayed with or otherwise connected to the image, and
14 that was taken in a private setting, is not a matter of public
15 concern, and depicts:

16 (i) Sexual activity, including sexual intercourse as defined in
17 RCW 9A.44.010 and masturbation; or

18 (ii) A person's intimate body parts, whether nude or visible
19 through less than opaque clothing, including the genitals, pubic
20 area, anus, or post-pubescent female nipple.

21 (5) The crime of disclosing intimate images is a class C felony.

22 (6) Nothing in this section is construed to:

23 (a) Alter or negate any rights, obligations, or immunities of an
24 interactive service provider under 47 U.S.C. Sec. 230; or

25 (b) Limit or preclude a plaintiff from securing or recovering any
26 other available remedy.

27 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
28 chapter in Title 9A RCW.

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