
SUBSTITUTE HOUSE BILL 1272

State of Washington

64th Legislature

2015 Regular Session

By House Public Safety (originally sponsored by Representatives Buys, Orwall, and Pollet)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to the wrongful distribution of intimate images;
2 adding a new section to chapter 9A.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.44
5 RCW to read as follows:

6 (1) A person commits the crime of disclosing intimate images when
7 the person knowingly discloses an intimate image of another person
8 and the person disclosing the image:

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

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

13 (2) A person who is under the age of eighteen is not guilty of
14 the crime of disclosing intimate images unless the person:

15 (a) Intentionally and maliciously disclosed an intimate image of
16 another person;

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

19 (c) Knows or should have known that the depicted person has not
20 consented to the disclosure.

21 (3) This section does not apply to:

1 (a) Images involving voluntary exposure in public or commercial
2 settings; or

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

7 (4) This section does not impose liability upon the following
8 entities solely as a result of content provided by another person:

9 (a) An interactive computer service, as defined in 47 U.S.C. Sec.
10 230(f)(2);

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

13 (c) A telecommunications network or broadband provider.

14 (5) For purposes of this section:

15 (a) "Disclosing" includes transferring, publishing,
16 disseminating, or making a digital depiction available for
17 distribution or downloading through the facilities of a
18 telecommunications network or through any other means of transferring
19 computer programs or data to a computer;

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

26 (i) Any act of sexual contact between persons involving the sex
27 organs of one person and the mouth or anus of another whether the
28 persons are of the same or opposite sex;

29 (ii) A person's intimate body parts, whether nude or visible
30 through less than opaque clothing, including the genitals, pubic
31 area, buttocks, anus, or female adult nipple; or

32 (iii) Touching of any person's intimate body parts done for the
33 purpose of gratifying sexual desire.

34 (6) The crime of disclosing intimate images is a class C felony.

35 (7) Nothing in this section is construed to:

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

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

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