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HOUSE BILL 2160

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Wylie, Orwall, Klippert, and Buys

Read first time 02/19/15. Referred to Committee on Judiciary.

1            AN ACT Relating to the distribution of intimate images; adding a  
2 new section to chapter 4.24 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 4.24 RCW  
5 to read as follows:

6            (1) A person distributes an intimate image of another person when  
7 that person intentionally and without consent distributes, transmits,  
8 or otherwise makes available an intimate image or images of that  
9 other person that was:

10            (a) Entrusted to that person by the other person, and it is  
11 distributed, transmitted, or otherwise made available with the intent  
12 to cause emotional distress and the other person actually suffers  
13 emotional distress as a result; or

14            (b) Knowingly obtained by that person without authorization or by  
15 exceeding authorized access from the other person's property,  
16 accounts, messages, files, or resources.

17            (2) Any person who distributes an intimate image of another  
18 person as described in subsection (1) of this section shall be liable  
19 to that other person for ten thousand dollars or actual damages  
20 including, but not limited to, pain and suffering, emotional  
21 distress, economic damages, and lost earnings, whichever is greater,

1 reasonable attorneys' fees, and costs. The court may also, in its  
2 discretion, award injunctive relief as it deems necessary.

3 (3) Factors that may be used to determine whether an intimate  
4 image was entrusted to a person include:

5 (a) The nature of the relationship between the parties;

6 (b) The circumstances under which the intimate image was taken;

7 (c) The circumstances under which the intimate image was  
8 distributed; and

9 (d) Any other relevant factors.

10 (4) As used in this section:

11 (a) "Entrusted" means the image was obtained under circumstances  
12 where both parties should reasonably understand that the image was to  
13 remain private.

14 (b) "Intimate image" means any photograph, motion picture film,  
15 videotape, digital image, or any other recording or transmission that  
16 is taken in a private setting, is not a matter of public concern, and  
17 depicts:

18 (i) A person's intimate apparel;

19 (ii) A person's intimate body parts, whether nude or visible  
20 through less than opaque clothing; or

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

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