

RCW 7.110.030 Exceptions to liability. (1) A person is not liable under this chapter if the person proves that disclosure of, or a threat to disclose, an intimate image or fabricated intimate image was:

- (a) Made in good faith in:
 - (i) Law enforcement activities;
 - (ii) A legal proceeding; or
 - (iii) Medical education or treatment;
- (b) Made in good faith in the reporting or investigation of:
 - (i) Unlawful conduct; or
 - (ii) Unsolicited and unwelcome conduct;
- (c) Related to a matter of public concern or public interest; or
- (d) Reasonably intended to assist the depicted individual.

(2) In an action brought under RCW 7.110.020 and subject to subsection (3) of this section, a defendant who is a parent, legal guardian, or individual with legal custody of a child is not liable under this chapter for a disclosure or threatened disclosure of an intimate image, as defined in RCW 7.110.010(11), of the child.

(3) If a defendant asserts an exception to liability under subsection (2) of this section, the exception does not apply if the plaintiff proves the disclosure was:

- (a) Prohibited by law other than this chapter; or
- (b) Made for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.

(4) Disclosure of, or a threat to disclose, an intimate image or fabricated intimate image is not a matter of public concern or public interest solely because the depicted individual is a public figure.

(5) A person is not liable in an action brought under RCW 7.110.025 if the fabricated intimate image is commentary, criticism, or disclosure protected by the Washington state Constitution or the United States Constitution. [2024 c 88 s 13; 2023 c 65 s 4.]