
SUBSTITUTE HOUSE BILL 2160

State of Washington

64th Legislature

2015 Regular Session

By House Judiciary (originally sponsored by Representatives Wylie, Orwall, Klippert, and Buys)

READ FIRST TIME 02/20/15.

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 that
11 person's distribution, transmission, or otherwise making available of
12 the intimate image intentionally or recklessly causes emotional
13 distress to the other person; 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 up to 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.

23 (5) Nothing in this act shall be construed to impose liability on
24 an interactive computer service, as defined in 47 U.S.C. 230(f)(2) as
25 it exists on the effective date of this section, for content provided
26 by another person.

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