

HB 2728 -- UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGE

SPONSOR: Parker

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention and Public Safety by a vote of 21 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

This bill establishes the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act", which provides that an individual who is depicted in an intimate image, who is identifiable in such image, and who suffers a harm from a person's intentional disclosure or threatened disclosure of such intimate image without the individual's consent has a cause of action against the person if the person knew or acted with reckless disregard about whether the depicted individual consented to the disclosure, about whether the intimate image was private, and about whether the depicted individual was identifiable. The identity of the plaintiff may be protected in court filings and documents. The bill specifies certain exceptions to liability for disclosure of an intimate image.

The statute of limitation on a cause of action for an unauthorized disclosure or threat to disclose is four years from the date the disclosure was discovered or should have been discovered or from the date of the threat to disclose, respectively.

This bill is the same as HB 2024 (2022).

PROPOSERS: Supporters say that this provides a civil cause of action for victims of disclosure of intimate images.

Testifying in person for the bill were Representative Parker; and the Ambulance District Association of Missouri.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that victims of nonconsensual sexually explicit media are more likely to suffer PTSD and other trauma. As of May 2022, 46 states and DC have passed legislation related to this but it is not a Federal crime and there is not enough evidence in determining whether these laws do anything to reduce occurrences of revenge porn.

Testifying in person on the bill was Sarah Anderson, Most Policy Initiative.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.