

HB 3063 -- SEXUAL OFFENSES

SPONSOR: Jones (88)

This bill modifies provisions relating to sexual offenses.

The term "child sexual abuse material", changed from "child pornography", now includes any anatomically correct doll, mannequin, or robot meant to resemble a minor under 18 years of age and intended to be used for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing or causing emotional distress to any person.

This bill additionally modifies the definition of child sexual abuse material. The current definition classifies child sexual abuse material as certain visual depictions, including digital images, computer images, or computer-generated images that are of, or are indistinguishable from, a minor engaging in sexually explicit conduct, in that an ordinary person would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. The bill adds that the visual depiction is such that an ordinary person would conclude the depiction is of an actual minor engaged in sexually explicit conduct regardless of whether the minor was actually engaged in sexually explicit conduct at the time the visual depiction was created.

The bill changes what constitutes a victim of the offense of nonconsensual dissemination of private sexual images. Currently, to be considered a victim, a person must be at least 18 years of age, identifiable from the image itself or information displayed in connection with the image, and be engaged in a sexual act or have his or her intimate parts exposed. This bill repeals the condition that the victim be at least 18 years of age.

The provisions in the bill regarding the offense of nonconsensual dissemination of private sexual images will be known as "Evan's Voice Act. Currently the offense is a class D felony; this bill adds that the offense becomes a class C felony if the image is of a minor or a vulnerable person.

The bill changes what constitutes a victim of the offense of threatening the nonconsensual dissemination of private sexual images. Currently, to be considered a victim, a person must be at least 18 years of age, identifiable from the image itself or information displayed in connection with the image, and be engaged in a sexual act or have his or her intimate parts

exposed. This bill repeals the condition that the victim be at least 18 years of age.

The current penalty for the offense of threatening the nonconsensual dissemination of private sexual images is a class E felony. This bill changes it so that if it is a second offense, it is a class D felony. A third or subsequent offense is a class C felony. Moreover, if the image was of a minor or vulnerable person, the offense is a class B felony. If the threat of the offense is the proximate cause of a serious physical injury or death of a person, the offense is a class B felony.

A person found guilty of this offense will be ordered by the sentencing court to pay restitution to the victim, the minimum amount of which must be in the amount determined by the court necessary to appropriately compensate the victim.

The bill adds grooming of a minor, nonconsensual dissemination of private sexual images, and threatening the nonconsensual dissemination of private sexual images to offenses for which the convicted person is required to register as a sex offender. The bill adds the grooming of a minor to the Tier I sexual offenses. It also adds the nonconsensual dissemination of private sexual images, or the threatening thereof, if the victim is 17 years of age or younger or if coercion of the victim was sexual in nature to the Tier II sexual offenses. Additionally, the bill repeals the offense of sexual intercourse with a prisoner or offender from the Tier III sexual offenses.

The bill modifies moneys to be deposited into the crime victims' compensation fund by adding \$500 but no more than \$5,000 upon a plea of guilty or a finding of guilt for the offense of nonconsensual dissemination of private sexual images or the offense of threatening the nonconsensual dissemination of private sexual images to the amounts.