

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 399

Short Title: Stop Images Taken W/O Consent From Dissemin. (Public)

Sponsors: Representatives Malone, Adcock, Faircloth, and R. Turner (Primary Sponsors). For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary II

March 20, 2017

A BILL TO BE ENTITLED AN ACT TO PROTECT PERSONS WHO ARE PHOTOGRAPHED, VIDEOTAPED, OR RECORDED WITHOUT THEIR CONSENT FROM HAVING HIS OR HER IMAGE DISCLOSED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-190.5A reads as rewritten:

"§ 14-190.5A. Disclosure of private images.

(a) Definitions. – The following definitions apply in this section:

(1) Disclose. – Transfer, publish, distribute, or reproduce.

(2) Image. – A photograph, film, videotape, recording, digital, or other reproduction-computer, or computer-generated image or picture, or other reproduction that is made or produced by electronic, mechanical, or other means.

(3) Intimate parts. – Any of the following naked human parts: (i) male or female genitals, (ii) male or female pubic area, (iii) male or female anus, or (iv) the nipple of a female over the age of 12.

(4) Personal relationship. – As defined in G.S. 50B-1(b).

(5) Reasonable expectation of privacy. – When a depicted person has consented to the disclosure of an image within the context of a personal relationship and the depicted person reasonably believes that the disclosure will not go beyond that relationship.

(6) Sexual conduct. – Includes any of the following:

a. Vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted.

b. Masturbation, excretory functions, or lewd exhibition of uncovered genitals.

c. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.

(b) Offense. – A person is guilty of disclosure of private images if all of the following apply:

(1) The person knowingly discloses an image of another person with the intent to do either of the following:

a. Coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.



