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LC004013/SUB A/4
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES

Introduced By: Representatives Lally, Corvese, Kazarian, Keable, and Edwards

Date Introduced: February 06, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-64-1 of the General Laws in Chapter 11-64 entitled "Electronic
2 Imaging Devices" is hereby amended to read as follows:

3 **11-64-1. Definitions.** -- (1) For the purposes of this section the following definitions
4 apply:

5 (a) "Disseminate" means to make available by any means to any person.

6 (b) "Imaging Device" means any electronic instrument capable of capturing, recording,
7 storing or transmitting visual images.

8 (c) "Intimate areas" means the naked or undergarment clad genitals, pubic area, buttocks,
9 or any portion of the female breast below the top of the areola of a person which the person
10 intended to be protected from public view.

11 (d) "Legal entity" means any partnership, firm, association, corporation or any agent or
12 servant thereof.

13 (e) "Publish" means to:

14 (i) Disseminate with the intent that such image or images be made available by any
15 means to any person or other legal entity;

16 (ii) Disseminate with the intent such images be sold by another person or legal entity;

17 (iii) Post, present, display, exhibit, circulate, advertise or allow access by any means, so
18 as to make an image or images available to the public; or

19 (iv) Disseminate with the intent that an image or images be posted, presented, displayed,

1 exhibited, circulated, advertised or made accessible by any means, and to make such images
2 available to the public.

3 (f) "Sell" means to disseminate to another person, or to publish, in exchange for
4 something of value.

5 (g) "Sexually explicit conduct" means actual:

6 (i) Graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, oral-
7 anal, or lascivious sexual intercourse where the genitals, or pubic area of any person is exhibited;

8 (ii) Bestiality;

9 (iii) Masturbation; or

10 (iv) Sadistic or masochistic abuse.

11 SECTION 2. Chapter 11-64 of the General Laws entitled "Electronic Imaging Devices"
12 is hereby amended by adding thereto the following section:

13 **11-64-3. Unauthorized dissemination of indecent material. --** (a) A person is guilty of
14 unauthorized dissemination of indecent material when such person uses an imaging device to
15 record or photograph visual images of another person eighteen (18) years of age or older engaged
16 in sexually explicit conduct or of the intimate areas of another person:

17 (1) Without that other person's knowledge and consent under circumstances in which that
18 other person would have a reasonable expectation of privacy and, thereafter, without the consent
19 of the person or all persons depicted in the visual image, intentionally disseminates, publishes, or
20 sells such visual image or images, with malicious intent and which would cause a reasonable
21 person to suffer serious emotional distress; or

22 (2) With that other person's knowledge and consent under circumstances where the
23 parties agree or understand that the image shall remain private and, thereafter, without the consent
24 of the person or all persons depicted in the visual image, intentionally disseminate, publishes, or
25 sells such visual image or images, with malicious intent and which would cause a reasonable
26 person to suffer serious emotional distress.

27 (b) Constitutionally protected activity is not subject to the provisions of this section.

28 (c) Those in violation of the section shall be guilty of a felony and subject to
29 imprisonment for not more than three (3) years, a fine of not more than three thousand dollars
30 (\$3,000), or both.

31 (d) Those in violation of this section shall not be subject to sex offender registration
32 requirements set forth in § 11-37.1-1 et seq., entitled "Sexual Offender Registration and
33 Community Notification Act."

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES

1 This act would prohibit a person from electronically disseminating visual images of
2 another engaged in sexually explicit conduct or the intimate parts of another, without that person's
3 consent and where the person had a reasonable expectation of privacy. Constitutionally protected
4 activity would not be subject to the provisions of this section. Those in violation would be guilty
5 of a felony and subject to not more than three (3) years imprisonment, a fine of not more than
6 three thousand dollars (\$3,000), or both.

7 This act would take effect upon passage.

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