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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES

Introduced By: Representatives Edwards, Craven, Roberts, McEntee, Kazarian, Alzate,
Potter, Cruz, Solomon, and Diaz

Date Introduced: April 03, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-64-1 and 11-64-3 of the General Laws in Chapter 11-64 entitled
2 "Electronic Imaging Devices" are hereby amended to read as follows:

3 **11-64-1. Definitions.**

4 For the purposes of this chapter the following definitions apply:

5 (1) "Digitization, synthetic, or manipulated images" means to alter an image in a realistic
6 manner utilizing a visual image or images of a person or likeness, other than the person depicted,
7 or computer-generated images including artificial intelligence (AI) created images.

8 (2) "Disseminate" means to make available by any means to any person.

9 ~~(2)~~(3) "Harm" means bodily injury, emotional distress, financial loss, or reputational
10 injury.

11 ~~(3)~~(4) "Identifiable" means identifiable by any person from the visual image or information
12 offered in connection with the visual material.

13 ~~(4)~~(5) "Imaging device" means any electronic instrument capable of capturing, recording,
14 storing, or transmitting visual images.

15 ~~(5)~~(6) "Intimate areas" means the naked or undergarment clad genitals, pubic area,
16 buttocks, or any portion of the female breast below the top of the areola of a person that the person
17 intended to be protected from public view.

18 ~~(6)~~(7) "Legal entity" means any partnership, firm, association, corporation, or any agent or
19 servant thereof.

1 ~~(7)~~(8) "Publish" means to:

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

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

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

7 (iv) Disseminate with the intent that an image or images be posted, presented, displayed,
8 exhibited, circulated, advertised, or made accessible by any means, and to make the images
9 available to the public.

10 (9) "Reasonable expectation of privacy" includes, but is not limited to, either of the
11 following circumstances:

12 (i) The person depicted in the visual image created it or consented to its creation believing
13 that it would remain confidential.

14 (ii) The sexual conduct depicted in the image was involuntary.

15 ~~(8)~~(10) "Sell" means to disseminate to another person, or to publish, in exchange for
16 something of value.

17 ~~(9)~~(11) "Sexually explicit conduct" means actual:

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

20 (ii) Bestiality;

21 (iii) Masturbation; or

22 (iv) Sadistic or masochistic abuse.

23 ~~(10)~~(12) "Visual image" means any photograph, film, video, or digital image or recording,
24 whether produced by electronic, mechanical, or other means. The term includes an image or
25 recording that has been edited, altered, or otherwise manipulated from its original form.

26 **11-64-3. Unauthorized dissemination of indecent material.**

27 (a) A person is guilty of unauthorized dissemination of a sexually explicit visual image of
28 another person when the person intentionally, by any means, disseminates, publishes, or sells:

29 (1) A visual image that depicts another identifiable person eighteen (18) years or older
30 engaged in sexually explicit conduct or of the intimate areas of that person, including an image
31 created or manipulated by digitization, that includes the recognizable physical characteristics of a
32 known person in order that the image or video appears to depict the known person and may
33 reasonably be identified;

34 (2) The visual image was made, captured, recorded, or obtained under circumstances in

1 which a reasonable person would know or understand that the image was to remain private, or
2 created without the consent of the person;

3 (3) The visual image was disseminated, created, published, or sold without the consent of
4 the depicted person, or reasonably should have known that the person depicted did not consent to
5 such dissemination or publication, including the dissemination or publication of a visual image
6 taken with the consent of the person depicted when such person had a reasonable expectation that
7 the image would remain private; and

8 (4) With knowledge or with reckless disregard for the likelihood that the depicted person
9 will suffer harm, or with the intent to harass, intimidate, threaten, or coerce the depicted person.

10 (5) For the purposes of determining jurisdiction, the crime of distributing a private image
11 shall be considered to be committed in any county in which any part of the crime took place, in the
12 county of residence of the victim or defendant, or any county where the image is received.

13 (b) Subsection (a) shall not apply to:

14 (1) A visual image that involves voluntary exposure of intimate areas or of sexually explicit
15 conduct in a public or commercial setting, or in a place where a person does not have a reasonable
16 expectation of privacy;

17 (2) Dissemination made in the public interest, scientific activities, or educational activities;

18 (3) Dissemination made in the course of a lawful public proceeding;

19 (4) Dissemination made for purposes of law enforcement, criminal reporting, corrections,
20 legal proceedings, the reporting of unlawful conduct, or for medical treatment; or

21 (5) Dissemination of an image that constitutes a matter of public concern, such as a matter
22 related to a newsworthy event or related to a public figure.

23 (c) For the purposes of this section, “intimate areas” means the naked genitals, pubic area,
24 buttocks, or any portion of the female breast below the top of the areola of a person that the person
25 intended to protect from public view.

26 (d) It shall not be a defense to an action under this section that there is a disclaimer included
27 in the sexually explicit material that communicates that the inclusion of the depicted individual in
28 the sexually explicit material was unauthorized or that the depicted individual did not participate
29 in the creation or development of the material.

30 ~~(e)~~(e) A first violation of this section shall be a misdemeanor and, upon conviction, subject
31 to imprisonment of not more than one year, a fine of not more than one thousand dollars (\$1,000),
32 or both. A second or subsequent violation of this section shall be a felony and, upon conviction,
33 subject to imprisonment for not more than three (3) years, a fine of not more than three thousand
34 dollars (\$3,000), or both.

1 ~~(f)~~(f) Any person who intentionally threatens to disclose any visual image described in
2 subsection (a) and makes the threat to obtain a benefit in return for not making the disclosure or in
3 connection with the threatened disclosure, shall be guilty of a felony and, upon conviction, be
4 subject to imprisonment for up to five (5) years, a fine of up to five thousand dollars (\$5,000), or
5 both.

6 ~~(g)~~(g) Any person who demands payment of money, property, services, or anything else of
7 value from a person in exchange for removing any visual image described in subsection (a) from
8 public view shall be guilty of a felony and, upon conviction, be subject to imprisonment for up to
9 five (5) years, a fine of up to five thousand dollars (\$5,000), or both.

10 ~~(h)~~(h) Those in violation of this section shall not be subject to sex offender registration
11 requirements as set forth in chapter 37.1 of title 11 entitled “Sexual Offender Registration and
12 Community Notification Act.”

13 ~~(i)~~(i) A violation of this section is committed within this state if any conduct that is an
14 element of the offense, or any harm to the depicted person resulting from the offense, occurs in this
15 state.

16 ~~(j)~~(j) Nothing in this section shall be construed to impose liability on an interactive
17 computer service, as defined in 47 U.S.C. § 230(f)(2), an information service, as defined in 47
18 U.S.C. § 153, or a telecommunications service, as defined in § 44-18-7.1, for content provided by
19 another person.

20 SECTION 2. 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 include visual images that are created or manipulated by digitization, or
2 without the consent of the person, within the purview of the crime of unauthorized dissemination
3 of indecent material. This act would further expand jurisdiction over the crime of unauthorized
4 dissemination of indecent material to any county in which any part of the crime took place, in the
5 county of residence of the victim or defendant, or any county wherein the image is received.

6 This act would take effect upon passage.

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