

Senate Bill No. 213—Senators Stone, Krasner,
Steinbeck, Buck; and Ellison

CHAPTER.....

AN ACT relating to crimes; expanding the crime of unlawful dissemination of an intimate image to include certain acts relating to the distribution of certain photorealistic images, digital images, computer images and computer-generated images; providing an exception to the crime of unlawful dissemination of an intimate image for persons who are less than 18 years of age; revising the definition of “intimate image”; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the crime of unlawful dissemination of an intimate image and provides that a person who unlawfully disseminates an intimate image of a person is guilty of a category D felony. (NRS 200.780) Under existing law, a person is also guilty of a category D felony if the person makes certain demands from a person in exchange for removing an intimate image from public view. (NRS 200.785) **Section 1** of this bill expands the definition of “intimate image” for the purpose of these provisions to include certain photorealistic images, digital images, computer images and computer-generated images. (NRS 200.770) **Section 1** also eliminates an exception under existing law that excludes from the definition of “intimate image” an image depicting a public figure.

Under existing law, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. (NRS 200.780) **Section 2** of this bill expands the scope of the crime to also include the distribution of certain photorealistic images, digital images, computer images and computer-generated images. Specifically, **section 2** provides that a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person knowingly distributes or causes to be distributed an intimate image if: (1) the image is created in a way that would lead a reasonable person to believe it is an actual depiction of the person depicted; and (2) the other person did not give prior consent to the distribution of the image. **Section 2** further provides that the prohibition against disseminating an intimate image, both under existing law and as expanded by **section 2**, does not apply if the person who commits the violation is less than 18 years of age.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~forbidden material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.770 is hereby amended to read as follows:
200.770 “Intimate image”:

1. Except as otherwise provided in subsection 2, includes,
without limitation ~~1-a~~:

(a) A photograph, film, videotape or other recorded image
which depicts:

~~1-a~~ **(1)** The ***genitals, anus or*** fully exposed nipple of the
female breast of another person, including through transparent
clothing; or

~~1-b~~ **(2)** One or more persons engaged in sexual conduct ~~1-a~~; ***or***

(b) ***A photorealistic image, digital image, computer image or
computer-generated image that a reasonable person would believe
depicts:***

***(1) The genitals, anus or fully exposed nipple of the female
breast of another identifiable person; or***

***(2) One or more identifiable persons engaged in sexual
conduct.***

2. Does not include an image which would otherwise constitute
an intimate image pursuant to subsection 1, but in which the person
depicted in the image:

(a) Is not clearly identifiable; ***or***

(b) Voluntarily exposed himself or herself in a public or
commercial setting. ~~1-a~~ ***or***

~~—(c) Is a public figure.~~

Sec. 2. NRS 200.780 is hereby amended to read as follows:

200.780 1. Except as otherwise provided in subsection 3, a
person commits the crime of unlawful dissemination of an intimate
image when, with the intent to harass, harm or terrorize another
person, the person ~~1-a~~:

(a) ***Electronically*** disseminates or sells an intimate image which
depicts the other person and the other person:

~~1-a~~ **(1)** Did not give prior consent to the electronic
dissemination or the sale of the intimate image;

~~1-b~~ **(2)** Had a reasonable expectation that the intimate image
would be kept private and would not be made visible to the public;
and

~~1-c~~ **(3)** Was at least 18 years of age when the intimate image
was created ~~1-a~~; ***or***



(b) Knowingly distributes or causes to be distributed an intimate image described in paragraph (b) of subsection 1 of NRS 200.770 which depicts the other person if:

(1) The intimate image is created in a way that would lead a reasonable person to believe it is an actual depiction of the other person; and

(2) The other person did not give prior consent to the distribution of the image.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not apply to ~~the electronic~~:

(a) The dissemination or distribution of an intimate image for the purpose of:

~~[(a)]~~ (1) A legitimate public interest;

~~[(b)]~~ (2) Reporting unlawful conduct;

~~[(c)]~~ (3) Any lawful law enforcement or correctional activity;

~~[(d)]~~ (4) Investigation or prosecution of a violation of this section; or

~~[(e)]~~ (5) Preparation for or use in any legal proceeding.

(b) A person who is less than 18 years of age.

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Secs. 3 and 4. (Deleted by amendment.)



