



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2107

PRINTERS NO. 3442

PRIME SPONSOR: Murt

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	\$0

SUMMARY: House Bill 2107 amends the Crimes Code and the Judicial Code concerning the dissemination of intimate images. It would take effect in 60 days.

ANALYSIS: This legislation adds the offense of unlawful dissemination of intimate image to the Crimes Code. A person commits this offense if, with intent to cause emotional distress to the person depicted, the person disseminates a visual depiction of another person in a state of nudity or engaged in sexual conduct. The offense is graded as a misdemeanor of the third degree, punishable by a fine of \$1,000 or imprisonment for not more than six months, or both.

This legislation also adds a section to the Judicial Code concerning damages in actions for unlawful dissemination of an intimate image. It allows a person to bring a lawsuit based upon the unlawful dissemination of an intimate image in order to recover damages for any loss or injury sustained as a result of the violation. An action may be brought by a natural person or a guardian of the natural person, if the person is incompetent. A court may award damages, including actual damages arising from the incident or \$500, whichever is greater; reasonable attorney fees and court costs; and any additional relief the court deems necessary and proper. Damages may include loss of money, reputation or property, whether real or personal. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$500.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds. Set at not more than 6 months, prison terms for the unlawful dissemination of intimate images would be served in county jails. However, reliable data do not exist to determine how many people may be convicted and sentenced to county jails for this new crime.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 9, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.