

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 352 Session of 2021

INTRODUCED BY ISAACSON, GALLOWAY, HOHENSTEIN, SCHWEYER AND SHUSTERMAN, FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in sexual offenses, providing for the  
3 offense of unsolicited dissemination of intimate image.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3134. Unsolicited dissemination of intimate image.

9 (a) Offense defined.--A person commits the offense of  
10 unsolicited dissemination of intimate image if the person  
11 knowingly transmits, distributes, publishes or disseminates an  
12 electronic communication containing a sexually explicit image  
13 that is not transmitted, distributed, published or disseminated  
14 at the request of a recipient or with the express consent of a  
15 recipient.

16 (b) Grading.--An offense under subsection (a) shall be a  
17 summary offense.

18 (c) Territorial applicability.--A person may be convicted

1 under the provisions of this section if the victim or the  
2 offender is located within this Commonwealth.

3 (d) Nonapplicability.--Nothing in this section shall be  
4 construed to apply to a law enforcement officer engaged in the  
5 performance of the law enforcement officer's official duties.

6 (e) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9 "Disseminate." To cause or make an electronic or actual  
10 communication from one person, place or electronic communication  
11 device to two or more other persons, places or electronic  
12 communication devices.

13 "Distribute." To deliver or pass out.

14 "Electronic communication." As defined in section 5702  
15 (relating to definitions).

16 "Law enforcement officer." An officer of the United States,  
17 of the Commonwealth or political subdivision thereof, or of  
18 another state or subdivision thereof, who is empowered to  
19 conduct investigations of or to make arrests for offenses  
20 enumerated in this title or an equivalent crime in another  
21 jurisdiction, and any attorney authorized by law to prosecute or  
22 participate in the prosecution of such offense.

23 "Nudity." The showing of the human male or female genitals,  
24 pubic area or buttocks with less than a fully opaque covering,  
25 the showing of the female breast with less than a fully opaque  
26 covering of any portion thereof below the top of the nipple or  
27 the depiction of covered male genitals in a discernibly turgid  
28 state.

29 "Publish." To issue for distribution.

30 "Sexually explicit image." A lewd or lascivious visual

1 depiction of a person's genitals, pubic area, breast or buttocks  
2 or nudity, if the nudity is depicted for the purpose of sexual  
3 stimulation or gratification of a person who might view the  
4 nudity.

5 "Transmit." To cause or make an electronic communication  
6 from one person, place or electronic communication device to  
7 only one other person, place or electronic communication device.

8 "Visual depiction." A representation by picture, including,  
9 but not limited to, a photograph, videotape, film or computer  
10 image.

11 Section 2. This act shall take effect in 60 days.