HOUSE DOCKET, NO. 4099 FILED ON: 2/12/2014

HOUSE . . . . . No. 3924

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the disclosure of visual images of a person without his or her consent.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harold P. Naughton, Jr.	*12th Worcester*

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HOUSE . . . . . No. 3924

By Mr. Naughton of Clinton, a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr. relative to the disclosure of visual images of a person without his or her consent. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the disclosure of visual images of a person without his or her consent.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 272 of the General Laws is hereby amended by adding the following section:-

Section 106. (a) As used in this section, the following terms shall have the following definitions:-

"Disclose", to transfer, publish, distribute, exhibit, advertise or offer.

"Partially nude", the exposure of the human genitals, buttocks, pubic area or female breast below a point immediately above the top of the areola.

"Sexual act", sexual intercourse, including genital, anal or oral sex.

"Visual material", any motion picture film, picture, photograph, image, videotape, recording by computer, telephone or any other device capable of electronic data storage or transmission, or any similar visual representations or reproductions thereof.

(b) Whoever willfully discloses visual material depicting another, identifiable person who is nude, partially nude or engaged in a sexual act, and, at the time of the disclosure, knew or should have known that the person so depicted did not consent to the disclosure, shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or in the state prison for not more than 5 years or by a fine of not more than $10,000, or by both such fine and imprisonment.

(c) Subsection (b) shall not apply to a person who discloses visual material for the purposes of:

19 (i) conducting lawful and common practices of law enforcement, criminal reporting, legal
20 proceedings or medical treatment;

21 (ii) reporting unlawful conduct; or

22 (iii) any other bona fide and lawful public purpose.

23 (d) Subsection (b) shall not apply to a person who discloses visual material of another
24 person who is nude, partially nude or engaged in a sexual act if the person so depicted voluntary
25 exposes him or herself in a public or commercial setting.