

HOUSE No. 3410

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:

Harold P. Naughton, Jr.

DISTRICT/ADDRESS:

12th Worcester

HOUSE No. 3410

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 3410) of Harold P. Naughton, Jr., relative to the disclosure of visual images of persons without consent. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2330 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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:

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

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

4 “Disclose”, to transfer, publish, distribute, exhibit, advertise or offer.

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

7 “Sexual act”, sexual intercourse, including genital, anal or oral sex.

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

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

17 (c) Subsection (b) shall not apply to a person who discloses visual material for the
18 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.