

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 399
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30169-MS-27 (01/23)

Short Title: Stop Images Taken W/O Consent From Dissemin. (Public)

Sponsors: Representatives Malone, Adcock, Faircloth, and R. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT PERSONS WHO ARE PHOTOGRAPHED, VIDEOTAPED, OR
3 RECORDED WITHOUT THEIR CONSENT FROM HAVING HIS OR HER IMAGE
4 DISCLOSED.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-190.5A reads as rewritten:

7 "§ 14-190.5A. Disclosure of private images.

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Disclose. – Transfer, publish, distribute, or reproduce.

10 (2) Image. – A photograph, film, videotape, recording, digital, ~~or other~~
11 ~~reproduction-computer, or computer-generated image or picture, or other~~
12 ~~reproduction that is made or produced by electronic, mechanical, or other~~
13 ~~means.~~

14 (3) Intimate parts. – Any of the following naked human parts: (i) male or female
15 genitals, (ii) male or female pubic area, (iii) male or female anus, or (iv) the
16 nipple of a female over the age of 12.

17 (4) ~~Personal relationship. – As defined in G.S. 50B-1(b).~~

18 (5) ~~Reasonable expectation of privacy. – When a depicted person has consented~~
19 ~~to the disclosure of an image within the context of a personal relationship~~
20 ~~and the depicted person reasonably believes that the disclosure will not go~~
21 ~~beyond that relationship.~~

22 (6) Sexual conduct. – Includes any of the following:

23 a. Vaginal, anal, or oral intercourse, whether actual or simulated,
24 normal or perverted.

25 b. Masturbation, excretory functions, or lewd exhibition of uncovered
26 genitals.

27 c. An act or condition that depicts torture, physical restraint by being
28 fettered or bound, or flagellation of or by a nude person or a person
29 clad in undergarments or in revealing or bizarre costume.

30 (b) Offense. – A person is guilty of disclosure of private images if all of the following
31 apply:

32 (1) The person knowingly discloses an image of another person with the intent
33 to do either of the following:

34 a. Coerce, harass, intimidate, demean, humiliate, or cause financial loss
35 to the depicted person.



