

Amendment to HB 1141-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 New Section; Breaches of the Peace; Unsolicited Disclosure of an Intimate Image. Amend RSA
4 644 by inserting after section 9-a the following new section:

5 644:9-b Unsolicited Disclosure of an Intimate Image.

6 I. In this section:

7 (a) "Intimate body parts" means the genitals, pubic area, or anus of any person.

8 (b) "Intimate image" means a photograph, film, videotape, recording, or any other
9 reproduction of an image of an individual with fully or partially exposed intimate body parts or
10 engaged in sexually explicit conduct.

11 (c) "Send by electronic device" means to send using a cellular telephone or any other
12 electronic communication device, including devices capable of sending text messages or e-mails.

13 (d) "Sexually explicit conduct" shall have the same meaning as in RSA 649-A:2, III.

14 II. A person commits the offense of unsolicited disclosure of an intimate image when:

15 (a) He or she sends by electronic device an unsolicited intimate image depicting sexually
16 explicit conduct to a recipient with the intent to harass, annoy, or alarm the recipient; and

17 (b) The person knows that the recipient has not consented to receiving the image, and
18 the recipient has not consented to receiving the image; and

19 (c) The recipient was harassed, annoyed, or alarmed by the receipt of the image.

20 III. Any person who violates the provisions of this section shall be guilty of a violation for a
21 first offense and a misdemeanor for a second or subsequent offense.

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AMENDED ANALYSIS

This bill establishes the offense of unsolicited disclosure of an intimate image.