

DISCUSSION DRAFT114TH CONGRESS
1ST SESSION**H. R.** _____

To amend title 18, United States Code, to provide that it is unlawful to reproduce, distribute, exhibit, publish, transmit, or otherwise disseminate a visual depiction of a person who is nude or partially nude or who is engaging in sexually explicit conduct, regardless of whether the depicted person consented to the capture of the image, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to provide that it is unlawful to reproduce, distribute, exhibit, publish, transmit, or otherwise disseminate a visual depiction of a person who is nude or partially nude or who is engaging in sexually explicit conduct, regardless of whether the depicted person consented to the capture of the image, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Intimate Privacy Pro-
3 tection Act of 2015”.

4 **SEC. 2. CERTAIN ACTIVITIES RELATING TO VISUAL DEPIC-**
5 **TIONS OF THE PRIVATE AREA OF AN INDI-**
6 **VIDUAL OR OF AN INDIVIDUAL ENGAGED IN**
7 **SEXUALLY EXPLICIT CONDUCT.**

8 (a) IN GENERAL.—Chapter 88 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 1802. Certain activities relating to visual depic-**
12 **tions of the private area of an individual**
13 **or of an individual engaged in sexually**
14 **explicit conduct**

15 “(a) IN GENERAL.—Whoever knowingly presents or
16 distributes through the mails, or using any means of facil-
17 ity of interstate or foreign commerce or in or affecting
18 interstate or foreign commerce by any means, including
19 a computer, a visual depiction of a person who is identifi-
20 able from the image itself or information displayed in con-
21 nection with the image and who is engaging in sexually
22 explicit conduct, or of the naked genitals or post-pubescent
23 female nipple of a person, with the knowledge that the
24 person did not consent or with reckless disregard as to
25 whether the person depicted consented to the distribution,

1 shall be fined under this title or imprisoned not more than
2 5 years, or both.

3 “(b) EXCEPTIONS.—

4 “(1) LAW ENFORCEMENT.—This section—

5 “(A) does not prohibit any lawful law en-
6 forcement, correctional, or intelligence activity;

7 “(B) shall not apply in the case of an indi-
8 vidual reporting unlawful activity; and

9 “(C) shall not apply to a subpoena or court
10 order for use in a legal proceeding.

11 “(2) VOLUNTARY PUBLIC OR COMMERCIAL EX-
12 POSURE.—This section does not apply in the case of
13 an individual who voluntarily exposes the naked
14 genitals or post-pubescent female nipple of that indi-
15 vidual or voluntarily engages in sexually explicit con-
16 duct in public or in a commercial setting.

17 “(3) CERTAIN CATEGORIES OF VISUAL DEPIC-
18 TIONS EXCEPTED.—This section shall not apply in
19 the case of a visual depiction, the disclosure of which
20 is in the bona fide public interest.

21 “(4) TELECOMMUNICATIONS AND INTERNET
22 SERVICE PROVIDERS.—This section shall not apply
23 to any provider or user of an interactive computer
24 service as defined in section 230(f)(2) of the Com-
25 munications Act of 1934 (47 U.S.C. 230 (f)(2)) with

1 regard to content provided by another information
2 content provider, as defined in section 230(f)(3) of
3 the Communications Act of 1934 (47 U.S.C.
4 230(f)(3)) unless such provider or user itself pur-
5 posely characterizes the content as being in violation
6 of this section.”.