

§511-A. Unauthorized dissemination of certain private images

1. A person is guilty of unauthorized dissemination of certain private images if the person, with the intent to harass, torment or threaten the depicted person or another person, knowingly disseminates, displays or publishes a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act or engaged in sexual contact in a manner in which there is no public or newsworthy purpose when the person knows or should have known that the depicted person:

A. [PL 2015, c. 394, §5 (RP).]

B. Is identifiable from the image itself or information displayed in connection with the image; and [PL 2015, c. 339, §1 (NEW).]

C. Has not consented to the dissemination, display or publication of the private image. [PL 2015, c. 339, §1 (NEW).]

[PL 2015, c. 339, §1 (NEW).]

2. This section does not apply to the following:

A. Lawful and common practices of medical treatment; [PL 2015, c. 339, §1 (NEW).]

B. Images involving voluntary exposure in a public or commercial setting; or [PL 2015, c. 339, §1 (NEW).]

C. An interactive computer service, as defined in 47 United States Code, Section 230(f)(2), or an information service, as defined in 47 United States Code, Section 153, with regard to content provided by another person. [PL 2015, c. 339, §1 (NEW).]

[PL 2015, c. 339, §1 (NEW).]

3. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Sexual act" has the same meaning as in section 251, subsection 1, paragraph C and also includes:

(1) The transfer or transmission of semen upon any part of the clothed or unclothed body of the depicted person;

(2) Urination within a sexual context;

(3) Bondage or sadomasochism in any sexual context;

(4) Simulated sexual acts; and

(5) Masturbation. [PL 2015, c. 339, §1 (NEW).]

B. "Sexual contact" has the same meaning as in section 251, subsection 1, paragraph D and includes simulated sexual contact. [PL 2015, c. 339, §1 (NEW).]

C. "State of nudity" means the condition of displaying fully unclothed, partially unclothed or transparently clothed genitals, pubic area or anus or, if the person is female, a partially or fully exposed breast below a point immediately above the top of the areola. [PL 2015, c. 339, §1 (NEW).]

[PL 2015, c. 339, §1 (NEW).]

4. Unauthorized dissemination of certain private images is a Class D crime.

[PL 2015, c. 339, §1 (NEW).]

5. Access to and dissemination of certain private images as described in subsection 1 and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

[PL 2015, c. 410, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 339, §1 (NEW). PL 2015, c. 394, §5 (AMD). PL 2015, c. 410, Pt. A, §1 (AMD).

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