



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 2107

PRINTERS NO. 3866

PRIME SPONSOR: Murt

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	See Fiscal Impact	

**SUMMARY:** House Bill 2107 amends the Crimes Code and the Judicial Code concerning the dissemination of intimate images. It would take effect in 60 days.

**ANALYSIS:** This legislation adds the offense of unlawful dissemination of intimate image to the Crimes Code. A person commits this offense if, with intent to harass, annoy, or alarm a current or former sexual or intimate partner the person disseminates a visual depiction of the partner in a state of nudity or engaged in sexual conduct. The offense is graded as a misdemeanor of the first degree when the person depicted is a minor, punishable by a fine of up to \$10,000, or imprisonment for up to five years, or both. If the person depicted is not a minor, the offense is graded as a misdemeanor of the second degree, punishable by a fine of up to \$5,000, or up to two years in prison, or both.

This legislation also adds a section to the Judicial Code concerning damages in actions for unlawful dissemination of an intimate image. It allows a person to bring a lawsuit based upon the unlawful dissemination of an intimate image in order to recover damages for any loss or injury sustained as a result of the violation. An action may be brought by a natural person or a guardian of the natural person, if the person is incompetent. A court may award damages, including actual damages arising from the incident or \$500, whichever is greater; reasonable attorney fees and court costs; and any additional relief the court deems necessary and proper. Damages may include loss of money, reputation or property, whether real or personal. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$500.

**FISCAL IMPACT:** Enactment of this legislation could have an impact on Commonwealth or local government funds by increasing the number of people sent to prisons or local jails. However, this only exists as a crime in a few states, so reliable data do not exist to determine how many people may be convicted and sentenced.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** July 2, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*