



# REWRITING REVENGE PORN TOOLKIT

**paive**  
PROMOTING AWARENESS | VICTIM EMPOWERMENT

## PAVE's Rewriting Revenge Porn Toolkit

PAVE's RRP Toolkit on how to address the revenge porn epidemic and #RewriteRevengePorn laws in the United States. It addresses all aspects of the issue, ranging from education, addressing the survivor's mental health, and how to get involved and make change. The toolkit has ten components.

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## About #RewritingRevengePorn

Promoting Awareness | Victim Empowerment (PAVE) launched the national campaign, Rewriting Revenge Porn, in December 2021. This campaign is dedicated to altering the perception of revenge porn in our day-to-day lives as well as reworking revenge porn laws. Being a relatively new form of sexual violence, revenge porn is not properly addressed by our communities or by our government. By #RewritingRevengePorn on these levels, we make the world a safer place for those who have already endured tragedy.

This toolkit provides a comprehensive overview of revenge porn, its different facets, as well as the current laws in the United States and how they should change. It can be used to educate all age groups about revenge porn as an informative, organizational, and preventative tool. If you are looking to learn more about revenge porn and how to get involved in addressing this overlooked form of sexual violence, look no further.

## Prevalence of Revenge Porn

Although still considered taboo, sexting is widespread. Sexting is a form of sexual expression using the internet, typically a messenger, in which sexual messages or explicit videos or images are exchanged. Studies have shown that 88% of U.S. adults (Shadel, 2016) and 15-27% of teens (Madigan, 2018) engage in sexting. It is possible that these are underreports of the prevalence, especially in teens, who may be afraid to admit to sexting out of fear of getting in trouble.

Most sexts exchanged between two people are intended to be kept private. However, one person may break the others' trust and spread the material without their consent. When the distributed content is an image or a video, it is **revenge porn**. The distribution of the material can be through porn websites, text, or just showing one's screen to another person. By nature, revenge porn victims are often unaware that the abuse has even occurred. This makes it very difficult to understand the true scope of the issue and the number of people who have been targeted.

One study has found that one out of every twelve Americans is a survivor of revenge porn and one out of every twenty has perpetrated it (Ruvalcaba & Eaton, 2020). In teens, these numbers are even higher, with 39% reporting that they had seen nonconsensual nudes of another minor. Between 9-20% of teens are initially perpetrating the abuse (Thorn, 2020). While anyone of any sexual identity or orientation can be targeted by revenge porn, women and members of the LGBTQ+ community have been targeted at higher rates. Women make up for 98% of the content on revenge porn sites (Ruvalcaba & Eaton, 2020). One in ten women and 17% of LGBTQ+ internet users have had images leaked or threatened to be leaked (Lenhart et al., 2016).

Revenge porn is a widespread issue, one that we have most likely underestimated here, with a large percentage of the population at risk. Research is showing that rates of revenge porn have nearly doubled in the last two years (Goldstein, 2020) and without action, it is difficult to believe it will end.

# Redefining Revenge Porn

As a society, the way we currently view any form of sexual violence is outdated. Still many people cling to old stereotypes and harmful assumptions, pulling out hackneyed sentiments that place unfair blame onto survivors. Yet, social movement in the past few years has caused the societal perception of survivors to begin shifting in a more positive and supportive direction. Revenge porn has been largely left behind in this movement, with an even more archaic treatment of the issue by society than other forms of sexual violence. Revenge porn survivors often do not receive the support they deserve, as many people do not fully understand the issue at hand.

The name “revenge porn” is misleading, because it implies that the distribution's intent is very narrow: revenge. When, in reality, this is not always the case. This name has led legislation to require malicious intent in many states and others to minimize the impacts of non-consensual distribution. When we talk about revenge porn, we are really talking about **sexually explicit or nude images/video that are distributed without the consent of the individual depicted**. Revenge may not be the perfect word to encompass this phenomenon, but it does accurately capture the feelings of betrayal and the maliciousness in these actions.

One way to tackle this is to **redefine** the way we view revenge porn. An ideal, all-encompassing definition of and perspective on revenge porn covers these ideas:

## **Does not require malicious intent:**

- While some laws require survivors to prove malicious intent against their perpetrators.
- Malicious intent can be intent to harm, destroy relationships, scare, or harass, but state-by-state definitions tend to differ slightly.
- In reality, sharing images of another person's body without their consent is a malicious act in and of itself and does not need any additional motive to be so.
- At its core, a perpetrator is distributing the material as a way of dehumanizing and objectifying the subject, ignoring their right to consent for sexual gratification or another form of gain which is harmful and malicious.
- Requiring malicious content legally sets the social precedent that non-consensual image distribution is okay unless direct harm is intended.

## **Self-generated or completely nonconsensual:**

- Revenge porn material can be produced by the individual depicted, such as a selfie or a sext.
- Can be produced without the individual's knowledge, such as with a hidden camera.
- The main qualifier for revenge porn is that the material is shared without the individual's consent.

## **A form of sexual abuse:**

- The abusive nature of revenge porn is often minimized in comparison to other forms of sexual abuse.

- Engaging with sexually explicit material is a sexual act.
- Sexting is a sexual act.
- Participating in the distribution of revenge porn is a form of sexual abuse, because the individual depicted did not consent to others engaging with the image.
- Viewing sexually explicit content that one is aware was non-consensually distributed is also a form of sexual violence.

**Any sexual material:**

- This includes nudity (full, partial, or implied) and engaging in sexual acts or the implication of sexual acts.
- The sexual acts can but do not have to include nudity to qualify as revenge porn.
- For example, a video of someone performing oral sex that was intended to be kept private, leaked by the individual receiving the oral sex would still qualify as revenge porn, even if the person performing oral sex is fully clothed.

**Not the survivors fault:**

- Those who participate in the distribution of revenge porn are to blame for the abuse, not the survivor.
- The 'high risks' of sexting do not mean someone is at fault when they are taken advantage of.
- Just like any other form of sexual abuse, the survivor is not to blame if their ability to consent is taken from them.

## Revenge Porn and Victim-blaming

*“When the detective assigned to my case insisted I was also at fault for what happened, I told him he was victim-blaming me. He mocked me for it and kept insisting that my responsibility was simply a fact, because I had created and sent the picture.”*

*-Survivor in the PAVE network*

It is impossible to address the issue of revenge porn without looking into the victim-blaming mentality that surrounds it. As previously mentioned, victim-blaming is something that survivors of all forms of sexual violence experience, but research has shown that revenge porn survivors experience higher levels of blame than sexual assault survivors. One in three people blame a sexual assault survivor for their experience while over half believed that a revenge porn survivor was to blame for theirs (Thorn, 2020). While victim-blaming of any kind is harmful, it begs the question: why are revenge porn survivors seen as more responsible for their abuse when both forms of abuse are, at their core, violations of consent?

### **Fundamental Attribution Error:**

- People misattribute the blame onto the survivor rather than the perpetrator.
- This could be due to a heavier focus on the existence of the material in the first place rather than the breaking of consent and trust involved in distributing it.

### **Availability Heuristics:**

- People see stories about sexting leading to revenge porn in the media and assume the risks are higher than they are.

### **Hindsight bias:**

- People believe survivors could have foreseen what happened to them, and are therefore responsible for it.
- This is especially true for those who only know about sexting through sensationalized stories about revenge porn.

### **Just-World Phenomenon:**

- People believe that everyone gets what they deserve and that the consequences are a justified result for their actions.

One way to begin to shift the narrative around revenge porn is to work towards normalizing sexting. People have the right to engaging in consensual sexual activity without the risk of being violated on a mass scale. By making it less taboo, it will be easier to address the unfair levels of responsibility survivors of revenge porn experience for something they are not at fault for. The conversation around revenge porn can then be better seen as a comparison to other forms of sexual abuse.

## Teen Sexting and Self-generated Child Sexual Abuse Material

Teen sexting prevalence is difficult to measure, as all reports rely on self-reporting and teens may be hesitant to be honest about the activity. However, research has shown that one in five teenage girls and one in ten teenage boys have sent nudes (Thorn, 2020). Other studies place the prevalence in a similar range of 15-27% of teens claiming to partake (Madigan et al., 2018). 8% of teens reported having their nudes shown non-consensually to someone else, 9-20% reported sharing someone else's nudes non-consensually, and 39% reported seeing another teens nudes without their consent. When it comes to who is responsible when revenge porn is spread, 49% of teen girls and 51% of teen boys thought the survivor was mostly or completely to blame. The prevalence and heavy-handed victim-blaming in this population are alarming.

Most teen sexting falls under the category of **Self-generated Child Sexual Abuse Material (SG-CSAM)**, which refers to images or video that a child takes of themselves and shares with another individual, typically another child. Why the name? These actions may be consensual or not consensual between the two children, but legally a child cannot consent to partaking in these activities. Therefore, even if they willingly produced the material, the mere existence of the material is abusive, as it is **child pornography**. The viewing and possession of this material is also abusive and the distribution of the images can follow the survivor into adulthood as they come to understand the gravity of the issue. As children, they cannot fully understand what they are partaking in.

The nature of this material, being both **self-generated** and **child pornography**, is not adequately addressed by laws, causing victims of SG-CSAM to have a difficult time legally if the material becomes distributed. These cases may not be properly investigated because protocol for this type of material is not being explicitly established. In states where it is, such as Kansas, there are other laws that go hand in hand with that legislation to cause direct harm to teens, The Kansas law also criminalizes teen-to-teen sexting, even if non-consensual distribution does not occur. Many U.S. laws explicitly state that perpetrators and subjects **must be eighteen years of age**.

In extreme cases, survivors themselves have been charged with the creation of child pornography. After analyzing related laws, it seems as though there is no explicit law that states that children who create SG-CSAM are to be charged with the creation of childpornography. Rather, in these cases, the interpretation of general child pornography laws resulted in these convictions. In most cases, no minor is prosecuted for these charges unless someone is inclined to do so.

However, without laws protecting children from these fear-mongering charges, we actively prevent children from getting help when they become targeted, putting them **at higher risk than adults** for not reporting or receiving legal justice. Many adults would rather not acknowledge that teens engage in this behavior, because they are unsure of how to respond to



the nature of SG-CSAM. If they do acknowledge it, oftentimes parents take an abstinence approach, believing if they create laws involving teen sexting that it will encourage the behavior.

The fact of the matter is, like any sexual activity: teenagers are going to partake. It is our responsibility to protect them from harm when and if things go wrong. One of the most direct courses of action we can take towards doing so is establishing laws protecting survivors of revenge porn who are minors from being charged under child pornography laws. We need to establish explicit laws that criminalize teen-to-teen revenge porn without criminalizing teen-to-teen sexting. This will allow survivors to seek the help they need to get their child pornography removed from the internet and out of circulation, as well as seek legal justice against the perpetrator(s), without the fear of becoming a registered sex offender. Minors should be able to, in the eyes of the law, perpetrate non-consensual image distribution crimes against other minors because the abuse is just as detrimental. It is also important to establish explicit laws pertaining to revenge porn involving minors, making it clear to those enforcing the law what to do when such a case comes their way.

Teens are an incredibly at risk demographic to be potentially harmed by revenge porn. Not only are revenge porn rates higher, but there is not a single U.S. state with adequate laws to protect them, making the potential harm even greater.

# An Ideal Revenge Porn Law Model

Based on our research, both on revenge porn as a phenomenon and the current legislation surrounding it, these are facets of an ideal revenge porn model.

## **Intent does not matter:**

- Having to prove that there was malicious intent can prevent a survivor from holding their abuser accountable.
- In states like Illinois, it doesn't matter why the material is shared. It could be because the perpetrator is angry with the survivor, or there could be no reason at all.
- This is important, because the state of Illinois recognizes that harm is caused regardless of intent. A survivor does not have to retraumatize themselves trying to prove that what they experienced was malicious.
- Violating someone's right to consent is malicious regardless of whether or not there was direct and conscious intent to harm the individual.

## **Selfies are protected:**

- Selfies, or in this case, essentially any photograph one takes of themselves regardless of whether or not their face is in the photo, make up for 83% of all intimate images.
- Despite this, they are not fully protected in every state. Some states' laws, past and present, can be interpreted to only protect material that was not self-generated.
- Laws that fail to protect selfies place blame on survivors for trusting someone close to them to not let others violate them.
- By protecting selfies, states recognize that people should be allowed to engage in consensual sexual activity without the fear that they will be violated as a result.

## **Strong punishment:**

- In most states, revenge porn is only classified as a misdemeanor. This means it has a short statute of limitations and light charges. In some states, like Illinois, it is a felony, and can result in 1-3 years in prison.
- Some states require perpetrators to pay those who survived their abuse restitution and forfeit any profit they made from the material.

## **Recognize the chain of abuse:**

- Ideal revenge porn law seeks to punish anyone who distributed the material and could have reasonably understood that the material was intended to remain private.
- Revenge porn is often distributed through chains of perpetrators who are also active participants in the abuse by violating the victim's consent.
- This prevents revenge porn from becoming widely spread.

**Criminalize threats:**

- Some states also have charges for threatening, or trying to coerce the victim into doing something to prevent the perpetrator from distributing images.
- These laws recognize the constant burden and distress those threats cause survivors.

**All sexually explicit material:**

- All sexually explicit visual material is protected under the revenge porn law.
- This includes sexual acts that do not contain nudity, such as performing oral sex while fully clothed, would be protected under this law.

**Additional Penalties:**

- Rather than requiring malicious intent, posting online, or the depicted being identifiable to qualify, make these additional penalties.
- In Minnesota, posting the material online or with malicious intent results in a harsher sentence.

**Statute of Limitations begins upon discovery:**

- By setting the statute of limitations to begin at the time of discovery, survivors are able to report the crime and seek legal justice if they were not aware when it first occurred.

# Revenge Porn Law Failures

On the other hand, there are many laws that are currently in place that cause great harm to survivors and obstruct justice.

## **Malicious Intent:**

- Many revenge porn laws describe revenge porn as having malicious intent.
- Malicious intent may include the intent to harass, harm, scare, or threaten the depicted.
- While these clauses may have been a well-intentioned attempt to capture the harm and maliciousness in these acts, they actually result in survivors having to prove that there was intent to cause harm.
- More often than not, there is not direct intent to cause harm out of aggression as most legislation implies, but blatant and reckless disregard for the harm caused due to the perpetrator's desire for sexual gratification, which is only explicitly stated by Wyoming's law.
- Even if the perpetrator intended to cause harm, these intentions can be difficult to prove.

## **Statute of Limitations:**

- In many states, revenge porn is classified as a misdemeanor. The low consequences for the perpetrator are not the only issue with that classification, but misdemeanors have a very short statute of limitations.
- Revenge porn is distributed without the depicted person's consent or knowledge. It can take a long time from the time of distribution or posting to the time that the survivor becomes knowledgeable about the crime to even have the ability to file a police report.
- Oftentimes, it is too late to take legal action.
- The only state that recognizes this issue is New York and the statute of limitations begins upon discovery.

## **Identifiable:**

- The majority of U.S. states state that the individual depicted must be identifiable, either by their face or accompanying information.
- Again, these clauses are potentially a well-intended acknowledgment of the detrimental impacts of being identified in revenge porn, but they exclude survivors who it could be argued are not personally identifiable by the image.

## **Under-Age Perpetrators:**

- A good number of U.S. states explicitly state that a perpetrator is 18 years or older.
- The way they are supposed to respond when the perpetrator is under 18 is not usually specified.
- This overlooks a huge portion of the revenge porn epidemic: teen-to-teen sexting.
- Few states have explicitly criminalized teen-to-teen revenge porn, such as Kansas.

**Under-Age Victims:**

- Kansas has also taken it too far in their legislation and criminalized teen-to-teen sexting, which is senseless and makes reporting their abuse a double-edged sword for teen survivors.
- When crimes occur in states that do not have revenge-porn specific laws pertaining to teens, the case is treated as child pornography.
- No law explicitly protects underage survivors of distributed SG-CSAM from child pornography charges.

**Particular Perpetrators**

- In addition to age, a few states have laws stating that only individuals with particular relationships to the victim can be charged with the crime.
- For example, in Arkansas, only those who are family members, current or past house members, or current or past dating partners can be found guilty. The definition of “dating relationship” is incredibly specific, looking at the length of the relationship and frequency of interactions to see if it qualifies.
- While these people are often the perpetrators, strangers who have hacked computers can even be perpetrators, and putting these restraints on who can perpetrate this type of crime is a too literal interpretation of the word “revenge”.

## State by State Revenge Porn Laws

Revenge porn laws are made at the state level. The legal system can be confusing and it is hard to rally together for change in that system when each state has varying issues. That's why we did some research for you and took some notes about the revenge porn laws in **every U.S. State**, so that you can understand the issues with and the strength of revenge porn laws in your state. Using this tool, you can better organize for change in your state and support those who become targeted by revenge porn.

Not every state is included in the toolkit. Massachusetts and South Carolina currently have **no revenge porn laws** currently enacted. Both states have laws that have been proposed and are awaiting further voting.

States have very similar laws and legal definitions. This is why we broke it down into categories all the laws tend to address, and added any unusual laws the state seems to have. Here are some definitions of information you'll see in this section.

### **Definitions:**

<u>Age</u>	- <b>Yes:</b> Limits protection based on age - <b>No:</b> No limitation to protection based on age
<u>Malicious intent:</u>	- <b>Yes:</b> requires malicious intent - <b>Common Sense:</b> malicious intent includes a clause that states the perpetrator had malicious intent if should have known the distribution would be harmful, makes it applicable in many cases - <b>No:</b> no intent stated
<u>Identifiable</u>	- <b>Yes:</b> requires the person to be identifiable by the image or accompanying information - <b>No:</b> does not require person depicted to be identifiable
<u>Threatening Clause:</u>	-Criminalizes the threat to distribute images, whether or not distribution occurs.
<u>Perpetrator 18+:</u>	-Only people 18+ can be charged with the crime
<u>Internet only:</u>	-Only criminalizes posting the non-consensual content on the internet
**	-Legislative texts are not available available digitally at time of research

**Alabama:** Distributing a private image. SB301. Code of Alabama 1975 Secs 15-20A-4 to 15-20A-43 amended.

**First Offence:** Class A Misdemeanor

**Second Offence:** Class C felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**Alaska:** Harassment in the Second Degree. Alaska Stat. § 11.61.120.

**First Offence:** Class B Misdemeanor

**Second Offence:** Class B Misdemeanor

**Age:** Yes, 16+

**Malicious intent:** Yes

**Identifiable:** No

**Notable Laws:** very brief, intent to annoy rather than intimidate

**Arizona:** Unlawful distribution of images depicting states of nudity or specific sexual activities.

Arizona Revised Statutes, 13-1425

**First Offence:** Class 4 Felony

**Second Offence:**

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** threatening clause

**Arkansas:** Unlawful distribution of sexual images or recordings, Class A misdemeanor

Arkansas Code 5-26-314

**First Offence:** Class A Misdemeanor

**Second Offence:** Misdemeanor

**Age:** Yes, 18+

**Malicious intent:** Yes

**Identifiable:** No

**Notable Laws:** applies when perpetrator is a family member, household member, or current/past dating relationship, perpetrator 18+, less restrictive malicious intent clause because of the word "abuse"

**California:** Disorderly Conduct, Misdemeanor. California Penal Code 647(j)(4)

**First Offence:** Misdemeanor

**Second Offence:** Misdemeanor

**Age:** No

**Malicious intent:** Common Sense

**Identifiable:** Yes

**Notable Laws:**

**Colorado:** Posting a Private Image for Harassment (18-7-107) and Posting a Private Image for Pecuniary Gain (18-7-108). Colorado Revised Statutes 18-7-107 and 18-7-108.

**First Offence:** Class 1 Misdemeanor

**Second Offence:** Misdemeanor

**Age:** Yes

**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:** Perpetrator 18+

**Connecticut:** An Act Concerning Invasions of Privacy: Unlawful Dissemination of an Intimate Image. Conn. Gen. Stat. § 53a-189c.  
**First Offence:** Class A Misdemeanor  
**Second Offence:**  
**Age:** Yes  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:**

**Delaware:** Violation of Privacy. § 1335, Title 11, Delaware Code.  
**First Offence:** Class B Misdemeanor  
**Second Offence:** Class G Felony  
**Age:** No  
**Malicious intent:** No  
**Identifiable:** Yes  
**Notable Laws:** Threatening Clause

**D.C.:** Criminalization of Non-Consensual Pornography Act of 2014. D.C. Law 20-275.  
**First Degree:** Felony  
**Second Degree:** Class G Felony  
**Age:** No  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:** Chain of abuse law

**Florida:** Sexual Cyberharassment. Florida Statute 784.049.  
**First Offence:** Misdemeanor  
**Second Offence:** Felony  
**Age:** No  
**Malicious intent:** No  
**Identifiable:** No  
**Notable Laws:** arrests can be made due to reasonable suspicion without a warrant

**Georgia:** Invasion of Privacy. Georgia Code Title 16 Chapter 11 Article 3 Part 1 16-11-90.  
**First Offence:** First Degree Misdemeanor  
**Second Offence:** Felony  
**Age:** Yes  
**Malicious intent:** Yes  
**Identifiable:** No  
**Notable Laws:**



**Hawaii:** Violation of Privacy in the First Degree. Hawaii Revised Statutes, § 711-1110.9.

**Any Offence:** Class C Felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**Idaho:** Video Voyeurism. § 18-6609, Idaho Code.

**Any Offence:** Felony

**Age:** No

**Malicious intent:** No

**Identifiable:** Yes

**Notable Laws:** Threatening Clause

**Illinois:** Non-Consensual Dissemination of Private Sexual Images. § 11-23.5, Illinois Criminal Code.

**Any Offence:** Felony

**Age:** Yes, 18+

**Malicious intent:** No

**Identifiable:** Yes

**Notable Laws:**

**Indiana:** Nonconsensual pornography. Senate Bill 192 and Senate Bill 243.

**First Offence:** Misdemeanor

**Second Offence:** Felony

**Age:** No

**Malicious intent:** No

**Identifiable:** No

**Notable Laws:**

**Iowa:** Harassment or Invasion of Privacy. Aggravated misdemeanor. Section 708.7, Code 2017.

**First Offence:** Misdemeanor

**Second Offence:** Misdemeanor

**Age:** No

**Malicious intent:** No

**Identifiable:** No

**Notable Laws:** specific laws for what to do when a child commits the crime

**Kansas:** Breach of Privacy. Kan. Stat. § 21-6101(a)(8).

**Any Offence:** Felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** very specific laws that criminalize the behavior of teen revenge porn as a misdemeanor but also criminalize teen sexting

**Kentucky:** Distribution of sexually explicit images without consent. KRS 531.120

**First Offence:** Class A Misdemeanor

**Second Offence/For Profit:** Class D Felony

**Age:** Yes

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** charges for not removing content upon request

**Louisiana:** Non-Consensual Disclosure of Intimate Image. R.S. 14:283.2.

**Any Offence:** Felony

**Age:** Yes

**Malicious intent:** Common Sense

**Identifiable:** Yes

**Notable Laws:**

**Maine:** Unauthorized Dissemination of Certain Private Images. Sec. 1. 17-A MRSA 511-A.

**Any Offence:** Misdemeanor

**Age:** Yes, 18+

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**Maryland:** Stalking and Harassment. § 3-809, Maryland Code.

**Any Offence:** Misdemeanor

**Age:** Yes

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** laws were amended to only apply when the content is placed on the internet

**Michigan:** Misdemeanor, Sec. 145e. See also Sec. 145f.

**Any Offence:** Misdemeanor

**Age:** Yes

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** perpetrator 18+

**Mississippi:** An Act to Criminalize the Disclosure Without Consent of Intimate Visual Material  
Senate Bill No. 2121.

**First Offence:** Misdemeanor

**Second Offence/Profit:** Felony

**Age:** No  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:** Threatening clause

**Minnesota:** Nonconsensual dissemination of private sexual images. Minn. Stat. § 617.261.

**First Offence:** Misdemeanor  
**First Offence, additional penalties:** Felony  
**Second Offence:** Felony  
**Age:** Yes  
**Malicious intent:** No  
**Identifiable:** Yes, but only victim needs to be able to  
**Notable Laws:** Only victims need to be able to identify themselves, more severe charges if posted online or with malicious intent

**Missouri:** Nonconsensual dissemination of private sexual images. Mo. Rev. Stat. § 573.110 & 573.112

**Any Offence:** Felony  
**Age:** Yes  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:** Threatening clause

**Montana:** Privacy in Communications. House Bill 192 related to § 45-8-213

**Any Offence:** Misdemeanor  
**Age:** No  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:**

**Nebraska:** Knowing and intentional distribution of image or video. LB 630

**First Offence:** Misdemeanor  
**Second Offence:** Felony  
**Age:** Yes  
**Malicious intent:** No  
**Identifiable:** No  
**Notable Laws:** if 19+ perpetrator and less than 16 victim, must register as sex offender

**Nevada:** Unlawful Dissemination of an Intimate Image. NRS, Chapter 200, §2-6.

**Any Offence:** Category D Felony  
**Age:** Yes  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:**

**\*\*New Hampshire:** Nonconsensual dissemination of private sexual images. N.H. Rev. Stat. § 644:9-a.

**Any Offence:** Felony

**Age:** No

**Malicious intent:** NA

**Identifiable:** NA

**Notable Laws:**

**New Jersey:** Invasion of Privacy, Third Degree. § 2C:14-9, New Jersey Code.

**Any Offence:** Third or Fourth Degree Crime

**Age:** No

**Malicious intent:** No

**Identifiable:** No

**Notable Laws:** Threatening Clause

**New Mexico:** Unauthorized Distribution of Sensitive Images. New Mexico Criminal Code.

**First Offence:** Misdemeanor

**Second Offence:** Fourth Degree Felony

**Age:** Yes

**Malicious intent:** Common Sense

**Identifiable:** No

**Notable Laws:**

**New York:** Unlawful Dissemination or Publication of an Intimate Image. NY State Senate Bill S1719C

**Any Offence:** Misdemeanor

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** threatening clause, recognizes need to give extra statute of limitations to discover crime

**North Carolina:** Disclosure of private images. General Statutes Section 14-190.5A.

**First Offence:** Class H Felony,

**First Offence, if minor:** Misdemeanor

**Second Offence:** Felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**North Dakota:** Distribution of intimate images without or against consent. Section 12.1-17-07.2 of the North Dakota Century Code.

**Any Offence:** Class A misdemeanor

**Age:** Yes

**Malicious intent:** No

**Identifiable:** No

**Notable Laws:**

**Ohio:** Prohibit disseminating private sexual images. HB 497.

**Any Offence:** Misdemeanor

**Age:** Yes

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**Oklahoma:** Nonconsensual Dissemination of Sexual Images. Section 1040.13b of Title 21.

**Any Offence:** Misdemeanor

**Age:** Yes

**Malicious intent:** Common Sense

**Identifiable:** Yes

**Notable Laws:**

**Oregon:** Unlawful Dissemination of an Intimate Image. ORS 161.005.

**First Offence:** Class A Misdemeanor

**Second Offence:** Class C Felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:** Internet Only

**Pennsylvania:** Unlawful Dissemination of Intimate Image. Title 18 Pennsylvania Consolidated Statutes § 3131.

**Any Offence:** Second degree misdemeanor

**Age:** Yes

**Malicious intent:** Yes

**Identifiable:** No

**Notable Laws:** perpetrator is current or former intimate partner, First degree misdemeanor if depicted is a minor

**Rhode Island:** Unauthorized dissemination of indecent material." Chapter 11-64-3 of the General Laws

**First Offence:** Misdemeanor

**Second Offence:** Felony

**Age:** Yes

**Malicious intent:** Common Sense

**Identifiable:** Yes

**Notable Laws:** Threatening clause, felony if involves extortion

**South Dakota:** Invasion of Privacy. Section 4 of Chapter 22-21.

**First Offence:** Class 1 Misdemeanor

**Second Offence:** Class 6 Felony

**Age:** No

**Malicious intent:** Yes

**Identifiable:** No

**Notable Laws:** self-generated is not included, felony if subject is minor and perpetrator is 21

**Tennessee:** Unlawful Exposure. Tenn. Pub. Act ch. 872.

**Any Offence:** Class A Misdemeanor

**Age:** No

**Malicious intent:** Yes

**Identifiable:** Yes

**Notable Laws:**

**Texas:** Unlawful Disclosure or Promotion of Intimate Visual Material. Texas Penal Code 21.16.[Effective September 1, 2015]

**Any Offence:** Felony

**Age:** No

**Malicious intent:** No

**Identifiable:** Yes

**Notable Laws:**

**Utah:** Distribution of intimate images. § 76-5b-203, Utah Code.

**First Offence:** Class A Misdemeanor

**Second Offence:** Third Degree Felony

**Age:** Yes

**Malicious intent:** Common Sense

**Identifiable:** No

**Notable Laws:**

**\*\*Vermont**

**Any Offence:** Misdemeanor

**Age:** No

**Malicious intent:** NA

**Identifiable:** NA

**Notable Laws:**

**Virginia:** Unlawful Dissemination or Sale of Images of Another Person. § 18.2-386.2, Code of Virginia.

**Any Offence:** Class 1 Misdemeanor

**Age:** No  
**Malicious intent:** Yes  
**Identifiable:** Yes  
**Notable Laws:** Somewhat looser identification clause

**Washington:** Wrongful distribution of intimate images. Title 9A RCW.

**First Offence:** Gross Misdemeanor  
**Second Offence:** Class C Felony  
**Age:** Yes  
**Malicious intent:** Common Sense  
**Identifiable:** No  
**Notable Laws:**

**West Virginia:** Nonconsensual disclosure of private intimate images. §61-8-28a, Code of West Virginia.

**First Offence:** Misdemeanor  
**Second Offence:** Felony  
**Age:** No  
**Malicious intent:** Yes  
**Identifiable:** No  
**Notable Laws:** threatening clause

**Wisconsin:** Representations Depicting Nudity. § 942.09, Code of Wisconsin.

**Any Offence:** Class A Misdemeanor  
**Age:** Yes  
**Malicious intent:** No  
**Identifiable:** No  
**Notable Laws:** internet only, felony if victim under 18

**Wyoming:** Unlawful dissemination of intimate images W.S. 6-4-306.

**Any Offence:** Misdemeanor  
**Age:** Yes  
**Malicious intent:** Common Sense  
**Identifiable:** No  
**Notable Laws:** mentions sexual gratification, perpetrators 18+

## State-by-state Summary

### **Age:**

<b><u>Require</u></b>	<b><u>Do not require</u></b>
AK., CO., CT., GA., IL., KY., LA., ME., MD., MI., MN., MS., NE., NV., NM., ND., OH., OK., PA., RI., UT., WA., WI., WY.,	AL., AZ., AR., CA., DE., DC., FL., HI., ID., IN., IA., KS., MO., MT., NH., NJ., NY., NC., OR., SD., TN., TX., VT., VA., WV.,

**49%** (24/49) of U.S. States require the person depicted to be an adult.

### **Malicious Intent:**

<b><u>Require</u></b>	<b><u>Do not require</u></b>
AL., AK., AZ., AR., CO., CT., DC., GA., HI., KS., KY., ME., MD., MI., MS., MO., MT., NV., NY., NC., OH., OR., PA., SD., TN., VA., WV.,	(CA.), DE., FL., ID., IL., IN., IA., (LA.), MN., NE., NJ., (NM)., ND., (OK.), (RI.), TX., (UT.), (WA.), WI., (WY.),

**57%** (27/47) of U.S. states require malicious intent, not including states with common sense malicious intent laws.

**74%** (35/47) of U.S. states require some form of malicious intent.

### **Identifiable:**

<b><u>Require</u></b>	<b><u>Do not require</u></b>
AL., AZ., CA., CO., CT., DC., HI., ID., IL., KS., KY., LA., ME., MD., MI., MN., MS., MO., MT., NV., NY., NC., OH., OR., OK., RI., TN., TX., VA.,	AK., AR., DE., FL., GA., IN., IA., NE., NJ., NM., ND., PA., SD., UT., WA., WV., WI., WY.,

**61%** (29/47) of U.S. states require the individual depicted to be identifiable



# Call to Action

As outlined in the toolkit, there are many issues with current revenge porn laws that obstruct justice. Here are our specific calls to action based on the consequences of current legislation:

## **Remove malicious intent clauses**

- Remove them completely or revise them to be very broad common-sense laws.

## **Extend the statute of limitations**

- 1-3 years is not long enough for a survivor to discover, process, and report the crime to the police
- Set the statute of limitations to begin when the survivor discovers the distribution occurred.

## **Remove identifiable clauses**

- Remove clauses stating that the depicted must be identifiable.
- Being identifiable causes additional harm, but harm is still caused when a survivor's body is violated, even if others do not know that it is them depicted.

## **Anyone can perpetrate**

- Anyone, regardless of age or relationship to the depicted, can perpetrate revenge porn.
- Update laws to reflect this.

## **Establish legislation that responds to underage teen-to-teen revenge porn**

- To protect teens from child pornography charges, hold underage perpetrators accountable, and establish a clear protocol on what to do when it occurs.

## **Create chain of abuse laws**

- Charge those who participate in the non-consensual distribution who, with common sense or reasonable expectation, know the image was shared non-consensually.
- They have a nearly equal role in the harm that the original perpetrator had.

## **Create threatening clauses**

- Criminalize threatening to release photos non-consensually

## **Additional penalties**

- While some states require more severe acts like publishing online or doxing to be charged at all, these acts should make the charges more severe, like in Minnesota.
- Minnesota recognizes the additional harm these acts can cause, without overlooking the harm the distribution can cause without these factors.
- Factors for additional charges can include: if the depicted is identifiable, accompanied by personal information, if the depicted is a minor, or if the image was posted online

## Get Involved

For there to be change, we need to take action. All states desperately need updated revenge porn laws and it is on us to set that into motion. State legislators make and approve state laws. They need to be made aware of this issue, its severity, and the changes that need to be made.

### To find your state legislators, visit:

<https://www.ncsl.org/aboutus/ncslservice/state-legislative-websites-directory.aspx>

Select your state and under "Content Area" select legislators. It will then bring up links to your state legislators, both assembly members and members of congress. From there, you can email the legislators.

There is a lot of work for us to do here. At the same time, however, we want to be concise and not bombard them with too many demands all at once. We want to make all of our concerns heard while also increasing the chances that we will get a response.

**Below is an email template for you to copy, paste, and edit. Not all states have the exact same issues, so please double check with your state to confirm.**

Dear Representative (REPRESENTATIVE'S NAME),

My name is (YOUR NAME) and I am a resident of (YOUR CITY/STATE). I would like to take a moment to discuss with you (BILL NAME AND NUMBER). This legislation is of concern to me, because research has shown that the non-consensual distribution of intimate images has doubled in the past two years.

Our state's current laws fail to address the full scope of the issue and end up leaving many survivors without justice. There are multiple issues with the current legislation that I would like to discuss with you, however, the main issues are:

- Requiring malicious intent overlooks the harm done regardless of intent and intent is hard to prove. (NOT APPLICABLE TO ALL)
- By requiring the person depicted to be identifiable, we exclude victims who are not identifiable to others but identifiable to themselves, which is still incredibly harmful. (NOT APPLICABLE TO ALL)
- Instead of requiring these factors, they should make the charges more severe.
- Charges should also be more severe if posted on the internet. (APPLICABLE TO ALL EXCEPT MINNESOTA)
- The statute of limitations should begin upon discovery of the distributed images to give survivors a fair opportunity to report the crime. The crime often occurs without the victim's knowledge. (APPLICABLE TO ALL EXCEPT NEW YORK)
- 39% of teenagers report seeing revenge porn of another teen. We need to criminalize this activity while making sure that teen sexting itself is not criminalized. Prosecuting these crimes under child pornography laws can result in the victim getting charged with a crime as well. (APPLICABLE TO ALL)

I hope that you consider taking action to get these laws revised. Studies have shown that one in twelve Americans has fallen victim to revenge porn, and one in twenty has

perpetrated it. Survivors can experience harassment, stalking, job loss, depression, PTSD, paranoia, and even suicide. This is a serious issue and our laws should reflect its severity. I look forward to hearing from you soon.

Thank you for your time,

(YOUR NAME)

**Additional clauses:**

**Oregon, Maryland, and Wisconsin:**

\_\_\_\_\_ -Criminalize distribution regardless of whether or not the image ended up on the internet.

**Arkansas and Pennsylvania:**

\_\_\_\_\_ -Criminalize distribution regardless of the person's relationship to the victim.

**South Dakota:**

\_\_\_\_\_ -Criminalize distribution of self-generated explicit content that was expected to be kept private

**Kansas:**

\_\_\_\_\_ -Decriminalize teen-to-teen sexting if no other crimes occur.

If you hear back from a legislator, feel free to contact us here at PAVE.

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