

Cyber Sexual Harassment Bill

H4563 - Wooten

Protection against the online sharing of private images

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Problem:

Cyber Sexual Harassment (aka: Revenge Porn) is an action taken by a person who

1. receives a private sexually explicit self-image from another individual who sends it with a reasonable expectation of privacy that the image will not be shared, and
2. the identity of provider of the image can be recognized from it, and
3. the person receiving the private image publishes it on the internet without consent.

South Carolina is
1 of 3 States
without a Revenge
Porn statute.

The sharing of private sexually explicit self-images has become a frequent practice amongst both the juvenile and adult populations. The publication of these images on the internet without consent has also become common.

Unsuspecting juveniles are often preyed upon by online predators who solicit the images and use them to coerce the juvenile into sex trafficking and other illicit activities. Many juveniles share the images with those they consider friends only to find the image posted on a social media platform when the relationship turns sour. Once the image is posted on the internet it is almost impossible to have it removed, especially if the image goes viral.

Solution:

Law enforcement is asking the South Carolina Legislature to pass this statute. Currently, the only law available to S.C. law enforcement to sanction this activity is possession and distribution of child pornography. Law enforcement is reluctant to charge juveniles with this crime because it entails major criminal penalties inappropriate for what is often thoughtless juvenile behavior.

S.C. Bill's Proposed Penalties:

MINOR (<18)

1st Offense: Misdemeanor

Fine up to \$1,000 & or Probation 30 days

Repeat Offenses: Misdemeanor

Fine up to \$1,000 & or Probation 30 days

ADULT

1st Offense: Misdemeanor

Fine up to \$1,000, & or jail 30 days

Repeat Offenses: Felony

Fine up to \$2,500 & or jail 5 yrs

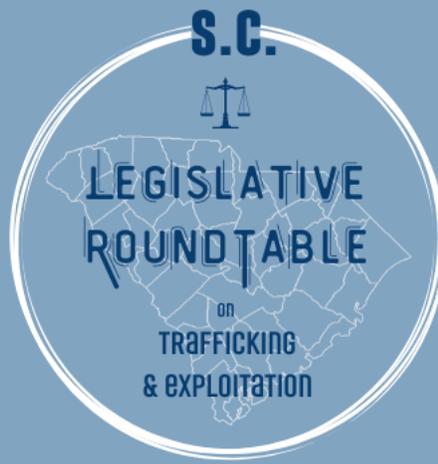
Neighboring States' Offense Penalties:

STATE	STATUTE	1st OFFENSE	REPEAT OFFENSE
North Carolina	14-190.5A	Felony (adult) Misdemeanor (minor)	Felony (adult) Felony (minor)
Alabama	13A-6-240	Misdemeanor	Felony
Florida	784.049	Misdemeanor	Felony
Kentucky	531.120	Misdemeanor	Felony
Tennessee	39-17-318	Misdemeanor	Misdemeanor
Georgia	16-11-90	Misdemeanor	Felony
Mississippi	SEN BILL 2121	Misdemeanor	Felony

*Revenge Porn is a universal label. Individual States label the crime under a variety of titles:

ie. Florida – Sexual cyber harassment; North Carolina – Disclosure of Private Images; Alabama – Distributing a private image; Mississippi – Disclosure without consent of intimate visual material

Language for the bill was developed and approved with input from personnel with responsibility for administration and enforcement of the Internet Crimes Against Children (ICAC) Program in the Richland County Sheriff's Office and the Office of the S.C. Attorney General.



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Roundtable Members



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The S.C. Legislative Roundtable on Trafficking and Exploitation is a South Carolina Association of non-profits combatting human trafficking and exploitation.