

1 HB515  
2 158742-1  
3 By Representative Williams (P)  
4 RFD: Judiciary  
5 First Read: 20-FEB-14

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8 SYNOPSIS: Under existing law, it is not unlawful for a  
9 person who photographs or records by any means the  
10 image of the intimate body part or parts of another  
11 identifiable person, under circumstances where the  
12 parties agree or understand that the image shall  
13 remain private, to distribute the image taken, with  
14 the intent to cause serious emotional distress to  
15 the consenting person.

16 This bill would make it unlawful for any  
17 person to photograph or record by any means the  
18 image of the intimate body part or parts of another  
19 identifiable person, under circumstances where the  
20 parties agree or understand that the image shall  
21 remain private, and the person subsequently  
22 distributes the images taken, with the intent to  
23 cause serious emotional distress, and the depicted  
24 person suffers serious emotional distress.

25 This bill would provide penalties.

26 Amendment 621 of the Constitution of Alabama  
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of  
2 Alabama of 1901, as amended, prohibits a general  
3 law whose purpose or effect would be to require a  
4 new or increased expenditure of local funds from  
5 becoming effective with regard to a local  
6 governmental entity without enactment by a 2/3 vote  
7 unless: it comes within one of a number of  
8 specified exceptions; it is approved by the  
9 affected entity; or the Legislature appropriates  
10 funds, or provides a local source of revenue, to  
11 the entity for the purpose.

12 The purpose or effect of this bill would be  
13 to require a new or increased expenditure of local  
14 funds within the meaning of the amendment. However,  
15 the bill does not require approval of a local  
16 governmental entity or enactment by a 2/3 vote to  
17 become effective because it comes within one of the  
18 specified exceptions contained in the amendment.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 Relating to recording the image of a person; to  
25 provide that it is unlawful for any person to photograph or  
26 record by any means the image of the intimate body part or  
27 parts of another identifiable person, under circumstances

1 where the parties agree or understand that the image shall  
2 remain private, and the person subsequently distributes the  
3 image taken, with the intent to cause serious emotional  
4 distress, and the depicted person suffers serious emotional  
5 distress; to provide penalties; and in connection therewith  
6 would have as its purpose or effect the requirement of a new  
7 or increased expenditure of local funds within the meaning of  
8 Amendment 621 of the Constitution of Alabama of 1901, now  
9 appearing as Section 111.05 of the Official Recompilation of  
10 the Constitution of Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) It shall be unlawful for a person who  
13 photographs or records by any means the image of the intimate  
14 body part or parts of another identifiable person, under  
15 circumstances where the parties agree or understand that the  
16 image shall remain private, and the person subsequently  
17 distributes the image taken, with the intent to cause serious  
18 emotional distress, and the depicted person suffers serious  
19 emotional distress.

20 (b) As used in this section, "intimate body part"  
21 means any portion of the genitals, and in the case of a  
22 female, also includes any portion of the breasts below the top  
23 of the areola, that is either uncovered or visible through  
24 less than fully opaque clothing.

25 (c) (1) A violation of this section is a Class A  
26 misdemeanor.

1           (2) A second or subsequent violation of this section  
2 involving the same victim and the same offender shall be a  
3 Class C felony.

4           (3) A violation of this section is a Class B felony  
5 if the victim was a minor at the time of the offense and the  
6 offender was over the age of 18 at the time of the offense.

7           Section 2. This section may not be construed to  
8 repeal other criminal laws. Whenever conduct prescribed by any  
9 provision of this article is also prescribed by any other  
10 provision of law, the provision which carries the more serious  
11 penalty shall be applied.

12           Section 3. Although this bill would have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds, the bill is excluded from further  
15 requirements and application under Amendment 621, now  
16 appearing as Section 111.05 of the Official Recompilation of  
17 the Constitution of Alabama of 1901, as amended, because the  
18 bill defines a new crime or amends the definition of an  
19 existing crime.

20           Section 4. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.