

1 **Uniform Intimate Images Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Michael K. McKell
House Sponsor: Jordan D. Teuscher

2
3 **LONG TITLE**

4 **General Description:**

5 This bill enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate
6 Images Act.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ allows an individual to bring a civil action for unauthorized disclosure of an intimate
11 image;
- 12 ▶ provides exceptions to liability for a civil action for unauthorized disclosure of an
13 intimate image;
- 14 ▶ addresses measures a court may take to protect a plaintiff's privacy in a civil action for
15 unauthorized disclosure of an intimate image;
- 16 ▶ addresses remedies in a civil action for unauthorized disclosure of an intimate image;
- 17 ▶ provides a statute of limitations for a civil action for unauthorized disclosure of an
18 intimate image;
- 19 ▶ addresses construction of provisions; and
- 20 ▶ provides a severability clause.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **78B-6-2701**, Utah Code Annotated 1953

28 **78B-6-2702**, Utah Code Annotated 1953
 29 **78B-6-2703**, Utah Code Annotated 1953
 30 **78B-6-2704**, Utah Code Annotated 1953
 31 **78B-6-2705**, Utah Code Annotated 1953
 32 **78B-6-2706**, Utah Code Annotated 1953
 33 **78B-6-2707**, Utah Code Annotated 1953
 34 **78B-6-2708**, Utah Code Annotated 1953
 35 **78B-6-2709**, Utah Code Annotated 1953

36
 37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **78B-6-2701** is enacted to read:

39 **Part 27. Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act**

40 **78B-6-2701 . Definitions for part.**

41 As used in this part:

- 42 (1) "Consent" means affirmative, conscious, and voluntary authorization by an individual
 43 with legal capacity to give authorization.
- 44 (2) "Depicted individual" means an individual whose body is shown in whole or in part in
 45 an intimate image.
- 46 (3) "Disclose" means to transfer, publish, or distribute to another person.
- 47 (4) "Disclosure" means transfer, publication, or distribution to another person.
- 48 (5) "Identifiable" means recognizable by a person other than the depicted individual:
 49 (a) from an intimate image; or
 50 (b) from an intimate image and identifying characteristic displayed in connection with
 51 the intimate image.
- 52 (6) "Identifying characteristic" means information that may be used to identify a depicted
 53 individual.
- 54 (7) "Individual" means a human being.
- 55 (8) "Intimate image" means a photograph, film, video recording, or other similar medium
 56 that shows:
 57 (a) the uncovered genitals, pubic area, anus, or female post-pubescent nipple of a
 58 depicted individual; or
 59 (b) a depicted individual engaging in or being subjected to sexual conduct.
- 60 (9) "Person" means an individual, estate, business or nonprofit entity, public corporation,
 61 government or governmental subdivision, agency, instrumentality, or other legal entity.

- 62 (10) "Sexual conduct" includes:
63 (a) masturbation;
64 (b) genital, anal, or oral sex;
65 (c) sexual penetration of, or with, an object;
66 (d) bestiality; or
67 (e) the transfer of semen onto a depicted individual.

68 Section 2. Section **78B-6-2702** is enacted to read:

69 **78B-6-2702 . Civil action.**

- 70 (1) As used in this section:
71 (a) "Harm" includes:
72 (i) physical harm;
73 (ii) economic harm; or
74 (iii) emotional distress, whether or not accompanied by physical or economic harm.
75 (b) "Private" means:
76 (i) created or obtained under circumstances in which a depicted individual had a
77 reasonable expectation of privacy; or
78 (ii) made accessible through:
79 (A) theft, bribery, extortion, fraud, false pretenses, or voyeurism; or
80 (B) exceeding authorized access to an account, message, file, device, resource, or
81 property.
- 82 (2) Except as provided in Section 78B-6-2703, a depicted individual who is identifiable and
83 who suffers harm from a person's intentional disclosure or threatened disclosure of an
84 intimate image that was private without the depicted individual's consent has a right of
85 action against the person if the person knew:
86 (a) the depicted individual did not consent to the disclosure;
87 (b) the intimate image was private; and
88 (c) the depicted individual was identifiable.
- 89 (3) The following conduct by a depicted individual does not, by the conduct alone, establish
90 that the individual consented to the disclosure of the intimate image that is the subject of
91 an action under this part or that the individual lacked a reasonable expectation of privacy:
92 (a) consent to creation of the image; or
93 (b) previous consensual disclosure of the image.
- 94 (4) A depicted individual who does not consent to the sexual conduct or uncovering of the
95 part of the body depicted in an intimate image of the individual retains a reasonable

96 expectation of privacy even if the image was created when the individual was in a public
97 place.

98 Section 3. Section **78B-6-2703** is enacted to read:

99 **78B-6-2703 . Exceptions to liability.**

100 (1) As used in this section:

101 (a) "Child" means an unemancipated individual who is younger than 18 years old.

102 (b) "Online service provider" means an internet service provider, search engine, or cloud
103 service provider, including an affiliate or subsidiary of an internet service provider,
104 search engine, or cloud service provider.

105 (c) "Parent" means an individual who has a parent-child relationship, as defined in
106 Section 81-5-102, with the child.

107 (2) A person is not liable under this part if the person proves that disclosure of, or a threat
108 to disclose, an intimate image was:

109 (a) made in good faith as part of:

110 (i) law enforcement activity;

111 (ii) a legal proceeding; or

112 (iii) medical education or treatment;

113 (b) made in good faith in the reporting or investigation of:

114 (i) unlawful conduct; or

115 (ii) unsolicited and unwelcome conduct;

116 (c) related to a matter of public concern or public interest; or

117 (d) reasonably intended to assist the depicted individual.

118 (3) Subject to Subsection (4), a defendant who is a parent, legal guardian, or individual with
119 legal custody of a child is not liable under this part for a disclosure or threatened
120 disclosure of an intimate image of the child.

121 (4) If a defendant asserts an exception to liability under Subsection (3), the exception does
122 not apply if the plaintiff proves the disclosure was:

123 (a) prohibited by law other than this part; or

124 (b) made for the purpose of sexual arousal, sexual gratification, humiliation,
125 degradation, or monetary or commercial gain.

126 (5) An online service provider is not liable under this part solely for providing access to,
127 transmitting, downloading, storing, or connecting a user to an intimate image on the
128 internet or on a facility, system, or network not under the online service provider's
129 control if the online service provider did not create the intimate image.

130 (6) Disclosure of, or a threat to disclose, an intimate image is not a matter of public concern
131 or public interest solely because the depicted individual is a public figure.

132 Section 4. Section **78B-6-2704** is enacted to read:

133 **78B-6-2704 . Plaintiff's privacy.**

134 In an action under this part:

135 (1) the court may exclude or redact from all pleadings and documents filed in the action
136 other identifying characteristics of the plaintiff;

137 (2) a plaintiff to whom Subsection (1) applies shall file with the court and serve on the
138 defendant a confidential information form that includes the plaintiff's excluded or
139 redacted name and other identifying characteristics; and

140 (3) the court may make further orders as necessary to protect the identity and privacy of a
141 plaintiff.

142 Section 5. Section **78B-6-2705** is enacted to read:

143 **78B-6-2705 . Remedies.**

144 (1) In an action under this part, a prevailing plaintiff may recover:

145 (a) the greater of:

146 (i) economic and noneconomic damages proximately caused by the defendant's
147 disclosure or threatened disclosure, including damages for emotional distress,
148 whether or not accompanied by other damages; or

149 (ii) statutory damages not to exceed \$10,000 against each defendant found liable
150 under this part for all disclosures and threatened disclosures by the defendant of
151 which the plaintiff knew or reasonably should have known when filing the action
152 or which became known during the pendency of the action;

153 (b) an amount equal to any monetary gain made by the defendant from disclosure of the
154 intimate image; and

155 (c) punitive damages.

156 (2) In determining the amount of statutory damages under Subsection (1)(a)(ii), the trier of
157 fact shall consider:

158 (a) the age of the parties at the time of the disclosure or threatened disclosure;

159 (b) the number of disclosures or threatened disclosures made by the defendant;

160 (c) the breadth of distribution of the image by the defendant; and

161 (d) other exacerbating or mitigating factors.

162 (3) In an action under this part, the court may award a prevailing plaintiff:

163 (a) reasonable attorney fees and costs; and

164 (b) additional relief, including injunctive relief.

165 (4) This part does not affect a right or remedy available under a law of this state other than
166 this part.

167 Section 6. Section **78B-6-2706** is enacted to read:

168 **78B-6-2706 . Statute of limitations.**

169 (1) An action under Section 78B-6-2702 for:

170 (a) an unauthorized disclosure may not be brought later than four years after the day on
171 which the disclosure was discovered or should have been discovered with the
172 exercise of reasonable diligence; and

173 (b) a threat to disclose may not be brought later than four years after the day on which
174 the threat was disclosed.

175 (2) This section is subject to the tolling provisions described in Chapter 2, Part 1, General
176 Provisions and Special Actions.

177 Section 7. Section **78B-6-2707** is enacted to read:

178 **78B-6-2707 . Construction.**

179 (1) This part shall be construed in accordance with the Communications Decency Act of
180 1996, 47 U.S.C. Sec. 230.

181 (2) This part may not be construed to alter the law of this state on governmental immunity.

182 Section 8. Section **78B-6-2708** is enacted to read:

183 **78B-6-2708 . Uniformity of application and construction.**

184 In applying and construing this part, consideration must be given to the need to promote
185 uniformity of the law with respect to the uniform law's subject matter among states that enact
186 the uniform law.

187 Section 9. Section **78B-6-2709** is enacted to read:

188 **78B-6-2709 . Severability.**

189 If a provision of this part or the application of this part to a person or circumstance is
190 held invalid, the invalidity does not affect another provision or application that can be given
191 effect without the invalid provision or application.

192 Section 10. **Effective Date.**

193 This bill takes effect on May 6, 2026.