

1st Sub. H.B. 71
DISTRIBUTION OF INTIMATE IMAGES

Representative **Marie H. Poulson** proposes the following amendments:

1. *Page 1, Line 17:*

17 ▶ provides an exemption for defined {~~telecommunication services~~} Internet service providers and hosting companies ; and

2. *Page 3, Line 58:*

58 the intent to cause {~~severe~~} emotional distress or harm, knowingly or intentionally distributes to

3. *Page 3, Line 64:*

64 (c) actual emotional distress or harm is caused to the person {~~and the harm is~~} as a result of the distribution under

4. *Page 3, Lines 75 through 79:*

75 {~~(4) This section does not impose liability on an interactive computer service, as defined~~
76 ~~in 47 U.S.C. Sec. 230(f)(2), an information service, as defined in 47 U.S.C. Sec. 153, or a~~
77 ~~telecommunication service, as defined by Section 76-6-409.5, for content that any of these~~
78 ~~entities provide to another person.~~}

(4) (a) This section does not apply to an Internet service provider, as defined in Section 76-10-1230, if:
(i) the distribution of an intimate image by the Internet service provider occurs only incidentally through the Internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the Internet service provider does not intentionally aid or abet in the distribution of an intimate image; and
(iii) the Internet service provider does not knowingly receive funds from or through a person who distributes an intimate image in exchange for permitting the person to distribute an intimate image.
(b) This section does not apply to a hosting company, as defined in Section 76-10-1230, if:
(i) the distribution of an intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of an intimate image; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes an intimate image in exchange for permitting the person to distribute, store, or cache an

intimate image.

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(5) Distribution of an intimate image is a third degree felony.