

Key Massachusetts House Committee Advancing Sexting, “Revenge Porn” Bill

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The House Ways and Means Committee on Wednesday is advancing a sexting and “revenge porn” bill that is among Gov. Charlie Baker’s top legislative priorities. The bill, an amended version of Rep. Jeff Roy’s H 1859, could emerge for a vote during a formal session planned for Thursday. The bill was vetted by the Judiciary Committee, and is dubbed “an act relative to transmitting indecent visual depictions by teens.”

Under the legislation, the attorney general, working with state education officials, would develop and implement a program to be made available in school districts and “designed to provide teenagers with information about the legal consequences of and the penalties for transmitting indecent visual depictions known as, ‘sexting,’ or posting indecent visual depictions online.” The diversion program is outlined in the bill as a potential alternative to criminal court proceedings.

Under the revenge porn portion of the bill, criminal harassment violators would face up to two and a half years in jail and/or a fine of up to \$10,000 for knowingly distributing “visual material depicting another person ... who is nude, partially nude or engaged in sexual conduct, when the distribution causes physical or economic injury to the person depicted in the visual material or causes the person depicted in the visual material to suffer substantial emotional distress, and does so with the intent to harm, harass, intimidate, threaten, coerce or cause emotional distress, or

does so with reckless disregard for the depicted person's lack of consent to the distribution of the visual material and reasonable expectation that the visual material would remain private."

The bill states "consent to the creation of visual material shall not constitute consent to the distribution of the visual material" and further states that "visual material that is part of any court record arising from a prosecution under this subsection shall not be open to public inspection."