§ 245.15 Unlawful dissemination or publication of an intimate image.

1. A person is guilty of unlawful dissemination or publication of an intimate image when:

(a) with intent to cause harm to the emotional, financial or physical welfare of another person, they intentionally disseminate or publish a still or video image depicting such other person with one or more intimate parts exposed or engaging in sexual conduct with another person, including an image created or altered by digitization, where such person may reasonably be identified from the still or video image itself or from information displayed in connection with the still or video image; and

(b) the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication, including the dissemination or publication of an image taken with the consent of the person depicted when such person had a reasonable expectation that the image would remain private, regardless of whether the actor was present when such image was taken.

2. For purposes of this section the following terms shall have the following meanings:

(a) "intimate part" means the naked genitals, pubic area, anus or female nipple of the person;

(b) "disseminate" and "publish" shall have the same meaning as defined in section 250.40 of this title;

(c) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(d) "digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images.

3. This section shall not apply to the following:

(a) the reporting of unlawful conduct;

(b) dissemination or publication of an intimate image made during lawful and common practices of law enforcement, legal proceedings or medical treatment;

(c) images involving voluntary exposure in a public or commercial

setting; or

(d) dissemination or publication of an intimate image made for a legitimate public purpose.

4. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

Unlawful dissemination or publication of an intimate image is a class A misdemeanor.