

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 652

Representative Rogers

A BILL

To enact sections 2927.31, 2927.311, 2927.312, 1
2927.313, 2927.314, 2927.315, and 2927.316 of 2
the Revised Code regarding the nonconsensual 3
distribution of explicit images. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2927.31, 2927.311, 2927.312, 5
2927.313, 2927.314, 2927.315, and 2927.316 of the Revised Code 6
be enacted to read as follows: 7

Sec. 2927.31. As used in sections 2927.31 to 2927.316 of 8
the Revised Code: 9

(A) "Identifiable explicit image" means a visual image of 10
a person who is in a state of nudity or engaged in sexual 11
activity when the person is identifiable from the image itself 12
or from information displayed in connection with the image. 13

(B) "Legal representative" of the person who is the 14
subject of an identifiable explicit image includes all of the 15
following: 16

(1) The person's parent, if the person is a minor; 17

(2) The person's guardian or custodian, if the person has 18

a guardian or custodian; 19

(3) The attorney of the person, the person's parent if the 20
person is a minor, or the guardian or custodian of the person. 21

(C) "Nudity" and "sexual activity" have the same meanings 22
as in section 2907.01 of the Revised Code. 23

(D) "Operator" means a person that maintains a platform 24
that contains an identifiable explicit image. 25

(E) "Platform" means an internet web site, online service, 26
online application, or mobile application. 27

Sec. 2927.311. (A) An operator shall provide a readily 28
accessible process by which a person, or the legal 29
representative of the person, may request the removal of an 30
identifiable explicit image of the person from each of the 31
operator's platforms. No operator shall negligently violate this 32
division. 33

(B) Whoever violates division (A) of this section is 34
guilty of failure to provide a removal process for identifiable 35
explicit imagery, a misdemeanor of the first degree. 36

(C) No person shall plead guilty to or be convicted of 37
more than one violation of division (A) of this section in 38
regard to the same platform, unless the additional violation 39
occurred subsequently to a plea of guilty or conviction for a 40
previous violation. 41

Sec. 2927.312. (A) A person who is the subject of an 42
identifiable explicit image has the right to request that the 43
operator of the image remove the image from the platform on 44
which the image is published. A person's legal representative 45
may make such a request on behalf of the person. An operator 46

shall remove each identifiable explicit image identified in a 47
request for removal within one calendar day of the submission of 48
the request. No operator shall negligently violate this 49
division. 50

(B) Whoever violates division (A) of this section is 51
guilty of failure to remove identifiable explicit imagery, a 52
misdemeanor of the first degree. 53

Sec. 2927.313. (A) No operator shall negligently solicit 54
or accept from a person the payment of a fee or other 55
consideration to remove or refrain from publishing an 56
identifiable explicit image of that person or of another person 57
for whom the first person is the legal representative. 58

(B) Whoever violates division (A) of this section is 59
guilty of wrongful charge to remove identifiable explicit 60
imagery, a misdemeanor of the first degree. 61

(C) Each payment solicited or accepted in violation of 62
division (A) of this section constitutes a separate violation. 63

Sec. 2927.314. (A) No person shall negligently republish 64
or otherwise disseminate an identifiable explicit image of a 65
person if all of the following apply: 66

(1) The person, or the person's legal representative, 67
submitted a request for removal under section 2927.312 of the 68
Revised Code; 69

(2) The republication occurred without the consent of the 70
person who submitted the request, or that person's legal 71
representative. 72

(B) Whoever violates division (A) of this section is 73
guilty of nonconsensual distribution of identifiable explicit 74

imagery, a felony of the fifth degree. 75

(C) Each instance of republication or dissemination in 76
violation of division (A) of this section constitutes a separate 77
violation. 78

Sec. 2927.315. (A) In a civil action brought pursuant to 79
section 2307.60 of the Revised Code for a violation of section 80
2927.311, 2927.312, 2927.313, or 2927.314 of the Revised Code, 81
notwithstanding division (A) of section 2307.60 of the Revised 82
Code, a person who suffers a loss or harm as a result of the 83
violation may be awarded all of the following: 84

(1) An amount equal to the greater of ten thousand dollars 85
or actual damages and punitive or exemplary damages, if 86
authorized by section 2315.21 of the Revised Code; 87

(2) Reasonable attorney's fees and court costs; 88

(3) Any other remedies provided by law. 89

(B) Humiliation or embarrassment shall be adequate to show 90
that the plaintiff has incurred damages. No physical 91
manifestation of either humiliation or embarrassment is 92
necessary for damages to be shown. 93

Sec. 2927.316. Sections 2927.31 to 2927.315 of the Revised 94
Code shall not apply to any of the following: 95

(A) Images involving voluntary nudity or sexual activity 96
in public or commercial settings or in a place where a person 97
does not have a reasonable expectation of privacy; 98

(B) Disclosures made in the public interest, including the 99
reporting of unlawful conduct, or lawful and common practices of 100
law enforcement, criminal reporting, corrections, legal 101
proceedings, or medical treatment; 102

<u>(C) Disclosures of materials that constitute a matter of</u>	103
<u>public concern.</u>	104