

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 296-FN, establishing the crime of unsolicited disclosure of an intimate image.

Hearing Date: April 13, 2021

Time Opened: 2:02 p.m.

Time Closed: 2:10 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill establishes the offense of unsolicited disclosure of an intimate image.

Sponsors:

Rep. Nutting-Wong

Rep. Frost

Who supports the bill: Rep. Nutting-Wong; Rep. Murray; Rep. Amanda Bouldin; Rep. Andrew Bouldin; Rep. Grote; Nancy Brennan; Randy Hayes; Karen Dewey; Jeanne Torpey; Susan Richman; Mary Schissel; Ann Garland; Cheri Falk; Claudia Istel; Patricia Anastasia; Derek Edry; Catherine Goldwater; Claudia Damon; Louse Spencer; Leslie MacGregor; Janie Vien; Nancy Jachim; Melissa Hinebauch; Manny Espitia; Janet Brookmeyer; Susan Covert; Denise Clark; Elizabeth-Anne Platt; Maureen Ellermann; Richard DeMark; Amanda Toll; Linda Douville; Kathy Spielman; Helmut Koch; Gail Laker-Phelps; Linda Harriott-Gathright; Laura Aronson; Sophia Biondolillo, New Hampshire High School Democrats; Amy Cranage; Annie Rettew; Walter King; Susan Bruce; David Bates; Elizabeth Fenner-Lukaitis; Janet Lucas; Barbara Reed

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Nutting-Wong

- This bill establishes the offense of unsolicited disclosure of an intimate image, which is more commonly known as cyber flashing.
- This would make the unsolicited sending of genitalia via electronic device a violation, with multiple offenses being a class A misdemeanor punishable by a fine of up to \$1,000.
- This would be placed in the harassment laws, as cyber flashing is harassment.

- It is illegal to flash someone in person and therefore it should also be so virtually.
- A study from the Journal of Sex Research found that about half of the men in the study admitted to sending unsolicited pictures.
- 10% of these senders agreed that sending these images gives them a feeling of control over the person they sent it to.
- Nearly 6% agreed that they feel a sense of dislike towards women and sending these images is satisfying.
- The action of sending these images is harassment with nearly no recourse for the people who receive them.
- Indecent exposure is a similar crime, often with no proof, and with similar recourses as outline in this bill.
- Senator French asked if it is a hasher penalty if the image goes to a minor under this.
 - Believes that is already a felony under the law.
- Senator Kahn asked if there is another statute dealing with revealing photos where a person is partially clothed.
 - There is a Revenge Porn Law where it is a crime for someone to send an image of someone else.
 - Attorney Lehmann answered that that statute is RSA 644:9-a.
- Senator Carson asked if this can be used as a defense when someone has been caught with child pornography images on their computer and they say they were unsolicited.
 - Has not thought of that but would certainly hope it would not come up.

Summary of testimony presented in opposition:

None