

Summary of UDIAA Revised February 27 Draft
Prepared by Vincent Cardi

§I. SHORT TITLE

§II. DEFINITIONS

- (1) “Disclose” includes transferring, publishing, distributing, or reproducing
- (2) “Intimate Image”
- (3) “Consent”
- (4) “Personal Information”
- (5) “Online Identifiers”
- (6) “Identifying Characteristics”

§III. PROTECTION OF PRIVATE VISUAL MATERIAL

- (a) Subject to (b), a person may not intentionally:
 - (1) Acquire, use , disclose, or threaten to use or disclose an intimate image of another without prior consent if
 - A. Person is identifiable from image or connected information, and
 - B. Person knows it was obtained in circumstances in which reasonable person would know it was to remain private, or
 - C. Person knows image obtained by theft, fraud or exceeding authorized access to property, files, etc.
 - (2) Neither silence or lack of protest is consent, dating or past sexual relations is not by itself proof of consent.
- (b) No liability if (1) person agrees, (2) recorded in public place without expectation of privacy, or (3) in public interest, law enforcement, legal proceedings, medical, educational, etc. (A)A public figure does not mean in public interest.

§IV. CIVIL ACTION

- (a) Court may order injunctive relief for violating § (II)(a) including (1) injunction (2) actual damages including emotional distress and economic damages (3) punitive damages and (4) attorney fees
- (b) Plaintiff may proceed using pseudonym, plaintiff may redact identifying characteristics from filings. Court shall inform plaintiff of that option. Court shall keep plaintiff’s name confidential. (1) where pseudonym allowed parties shall use in all documents and hearings that are public record. (2) Defendant, agents and other person acting in participation shall not publicly reveal identity of plaintiff, including to media. (3) court proceedings and documents shall protect identity through redaction, etc. and (4) responsibility for redacting documents lies with the parties.

§V. LIMITATIONS

- (a) Nothing herein shall alter rights found in 47 U.S. § 230, or (b) limit plaintiff from securing other remedies.

§VI. SEVERABILITY

§VII. STATUTE OF LIMITATIONS

Four years after last actual or threatened acquisition, use or disclosure.

§VIII. EFFECTIVE DATE