

Image-Based Abuse Legislative Recommendations

The Joyful Heart Foundation has developed this legislative bulletin to provide comprehensive guidance and support to states wishing to evaluate and strengthen their Image-Based Abuse (IBA) laws. Our key policy recommendations are built on three foundational principles:

- **Survivor-Centered:** Always prioritizing the survivor by expanding victim protection and trauma-informed responses.
- **Future-Ready:** Reflecting the ever-changing and advancing nature of technology to ensure laws remain comprehensive and effective.
- **Broadening Path to Justice:** Removing systemic barriers and providing remedies beyond the criminal justice system.

By advocating for these recommendations, we aim to ensure that state legislatures are equipped to deliver accountability and support every survivor on their path to justice and healing.

Nonconsensual Disclosure of Intimate Images (NDII)

Broaden Definitions

- Use broad language for terms like “disclosure,” “image, and “identifiable”
- Include both authentic and artificial images

Refine Consent & Intent Standards

- Narrowly define consent to be a clear, active agreement.
- Eliminate intent requirements to reduce hurdles for prosecution

Expand Scope & Victim Protection

- Include related actions like threats to release images (sextortion).
- Mandate privacy protections for the survivor and allow courts to order image removal and destruction.

Sexual Extortion

Broaden Definitions

- Address all threats -- including threats to release or refuse to remove images -- whether the offender is seeking sexual or material gain
- Include both authentic and artificial images

Expand Penalties and Victim Protection

- Provide penalty enhancements for victim harm (including suicide).
- Mandate privacy protections for the survivor and allow courts to order image removal and destruction.

Cyberflashing

Specify Cyberflashing Offense

- Use specific language to criminalize the sending of unwanted intimate images

Expand Civil Remedies

- Provide a non-criminal path to justice

Video Voyeurism

Broaden Definitions

- Use broad language for intimate images and recording methods

Refine Intent Standards

- Eliminate sexual intent (e.g., “intent to arouse”) requirements

Expand Victim Protection

- Mandate privacy protections for the survivor and allow courts to order image removal and destruction.

Civil Remedies

Comprehensive Relief

- Include both authentic and artificial images
- Recognize full range of harm and compensation
- Specify that consent to create an image does not equal consent for further disclosure
- Offer all forms of remedy: damages, restitution of offender gain, statutory damages, and injunctive relief (image removal)

Joyful Heart is a leading national organization with a mission to transform society’s response to sexual assault, domestic violence, and child abuse, and support survivors’ healing. For twenty years, the Joyful Heart Foundation has carried out its mission through an integrated program portfolio of awareness building and advocacy.

