

Image-Based Abuse Legislative Bulletin

November 2025

Introduction

Image-based abuse (IBA) consists of crimes involving sexual or intimate images, such as nonconsensual distribution of such images or threats to distribute them, often involving use of technology to create or distribute the images. These forms of abuse can have long-lasting and serious impacts on victims, including humiliation, depression, fear, anxiety, damaged reputations, job loss and social isolation. Some victims have died by suicide as a result of the devastating impacts of IBA.

Due to the pervasiveness of these crimes and the serious impact on victims, Joyful Heart Foundation (JHF) is working in close collaboration with survivors, policymakers, prosecutors, law enforcement and victim advocates to ensure policy and action that center survivors' ability to manage the aftermath of their trauma, find safety, and heal. JHF has developed this legislative bulletin to provide guidance and support to states[1] that wish to evaluate and improve their IBA-related laws.

This document analyzes state laws to address IBA including criminal and civil laws. The focus is on laws that specifically address IBA, rather than the full universe of laws that could be used to address IBA. For example, the section on civil remedies focuses on laws that specifically create a civil remedy for violations such as nonconsensual distribution of intimate images. In states without such laws, victims may still be able to use causes of action such as intentional infliction of emotional distress or invasion of privacy. For a full understanding of the possible civil and criminal remedies in a particular state, we recommend consulting an attorney with expertise in that state's laws.[2]

State laws are structured in many different ways, and lawmakers struggle to keep up with technology. For example, many of the newer laws recognize the potential for artificial or "deepfake" images to be created and used by perpetrators of these offenses. Some states have created separate offenses for artificial images, while others have amended existing laws to include them.

This guidance addresses the following crimes:

- Nonconsensual disclosure of intimate images - someone sharing sexual or intimate images (generally defined as either images of sexual acts or images of certain body parts) of a victim without the victim's consent. This can include both real and artificial images.
- Sexual extortion (also called "sextortion") - a form of blackmail that includes threats to share intimate images (including both authentic and artificial images) or refusal to

[1] "State" is generally used to denote states, territories, and the District of Columbia.
[2] For information on resources available for victims, see https://www.joyfulheartfoundation.org/our-work/policy-and-advocacy/image-based-abuse-initiative/#resources.

remove such images in exchange for money or other items of value or for sexual acts or images.
- Cyberflashing - sharing unwanted and harassing intimate images with the victim.
- Video voyeurism - making intimate recordings of the victim without consent.

Many state laws also provide for civil remedies for victims of these crimes, which are addressed in a separate section. The use of artificial images (or “deepfakes”) is addressed within the sections for each type of crime and in the section on civil remedies.

The purpose of this legislative bulletin is to provide examples of state laws related to IBA and information that states can use to evaluate their laws and improve them. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.

Nonconsensual Distribution of Intimate Images[3]

Most states[4] have a criminal offense for nonconsensual distribution of intimate images. States vary greatly as to how they describe such offenses. Many states have a separate code section describing this offense, but in others, it is a subsection within a video voyeurism offense (although it may have broader application beyond voyeuristic images, such as images that the victim shared with the offender with an expectation that the offender would not further share them) or part of another offense such as "harassment" or "disorderly conduct". The discussion and chart below address the laws that apply to a full range of intimate images and do not include the laws limited to images captured through voyeurism. Only one state and one territory lack a broad NDII law.[5]

Disclosure

Disclosure of the image is the central action of the offense, although states use different terms for this, such as disclose, distribute or disseminate, with different definitions for the terms. States also vary on whether they include related actions such as threats to disseminate or causing others to disseminate and whether disclosure by itself is sufficient or whether it also must be "intentional" or "knowing" or both. For example, Rhode Island penalizes a person who "intentionally, by any means, disseminates, publishes or sells" certain sexually explicit visual images.[6] "Disseminate" in turn, means "to make available by any means to any person."[7] In Alabama, "[a] person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits or otherwise distributes a private image."[8] The state does not further define the distribution-related terms. California penalizes "[a] person who intentionally distributes or causes to be distributed" an image.[9]

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[3] The purpose of this legislative bulletin is to provide examples of state laws relating to nonconsensual disclosure of intimate images and information that states can use to evaluate their laws in considering improvements. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.

[4] "State" is generally used to denote states, territories, and the District of Columbia.

[5] New Jersey and American Samoa.

[6] R.I. Gen. Laws § 11-64-3(a).

[7] R.I. Gen. Laws § 11-64-1. This section also defines "publish" as to (i) Disseminate with the intent that the image or images be made available by any means to any person or other legal entity; (ii) Disseminate with the intent the images be sold by another person or legal entity; (iii) Post, present, display, exhibit, circulate, advertise or allow access by any means, so as to make an image or images available to the public; or (iv) Disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible by any means, and to make the images available to the public" and "sell" as "to disseminate to another person, or to publish, in exchange for something of value."

[8] Ala. Code § 13A-6-240(a)(1).

[9] Ca. Pen. Code § 647(j)(4)(A)(i).

Images

a. "Image" defined

States also vary greatly in the terms and definitions used to describe the images in question. Terms used include: image, private intimate image, visual depiction, sensitive image, intimate image, etc. The statutes generally describe both the type of image, such as a photograph or video, and what is meant by intimate, such as descriptions of what body parts or actions are depicted. For example, Oklahoma provides a fairly broad description of the type of material that is covered. Their statute provides that a person commits "nonconsensual distribution of private sexual images" when the person "intentionally disseminates an image of another person who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part… ." "Image" includes "a photograph, film, videotape, digital recording or other depiction or portrayal of an object, including a human body." "Sexual act" means "sexual intercourse including genital, anal or oral sex." "Intimate parts" means "the fully unclothed, partially unclothed or transparently clothed genitals, pubic area or female adult nipple."[10] The inclusion of "other depiction or portrayal" in the definition of "image" should allow this offense to evolve with changes in technology for image storage.

b. Whether the image is "identifiable"

Many of the statutes require the image to be "identifiable" as a specific person. Ways that an image can be identifiable include: from the recording itself; from information displayed in connection with the image; from the circumstances of the transmission; by the person's face, likeness or other distinguishing characteristics; or where a reasonable person would believe that the image depicts a specific person. In Texas, an image is identifying if "the disclosure of the visual material reveals the identity of the depicted person in any manner," including through "any accompanying or subsequent information or material related to the visual material" or "information or material provided by a third party in response to the disclosure of the visual material."[11] In California, "identifiable" means "capable of identification, or capable of being recognized, meaning that someone, including the victim, could identify or recognize the victim. It does not require the victim's identity to actually be established.[12] Michigan's law for artificial images allows for identification by listening in addition to viewing or information displayed with the image,[13] allowing for voice recognition.

c. Artificial images

Most states prohibit nonconsensual dissemination of artificial images as well as authentic images. In some states, there is a separate offense for artificial images, while many states include both authentic and artificial within a single offense. Some of the states with a separate offense for artificial images also have an offense that includes both authentic and artificial. For example, Utah has an offense of "unlawful distribution of a counterfeit intimate image" with "counterfeit intimate image" defined as "any visual depiction, photograph, film, video, recording,

[10] Okla. Stat. tit. 21, § 1040.13b.

[11] Tex. Pen. Code § 21.16(b)(4). *See also* Miss. Code Ann. § 97-29-64.1(1)(d), which contains essentially the same language.

[12] Ca. Pen. Code § 647(j)(2).

[13] MI House BIll 4047, enacted August 26, 2025 and immediately effective.

picture, or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical or other means, that has been edited, manipulated, generated or altered to depict the likeness of an identifiable individual… .”[14] Utah also has an offense of “distribution of an intimate image” and “intimate image” is defined as “any visual depiction, photograph, film, video, recording, picture or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical or other means… .”[15] Some states explicitly reference "artificial intelligence” in their definitions, such as in West Virginia where "fabricated intimate image" means “an image of an identifiable depicted individual that was created by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs and depicts computer-generated intimate parts or the intimate parts of another human being as the intimate parts of the depicted individual.”[16]

Some of the offenses that are specific to artificial images specify that even if the image contains a disclaimer identifying the image as artificial, it is not a defense to the crime of dissemination of that image. For example, in Florida, “[t]he presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability … .”[17]

Consent

In most states, lack of consent is an element of the nonconsensual distribution offense. In some of these states, the question is whether the person depicted consented or not to distribution of the image, while other states specify that the person releasing the image “knew or should have known” that the person depicted didn’t consent[18] or acted with “reckless disregard" for whether the person consented.[19] Several states also have provisions providing further details on what qualifies as consent. Some states require that consent be “written,” “effective,” “affirmative,” or “express.”[20] Many confirm that creation of the images does not equal consent to distribute. The following are additional examples of consent requirements in state laws:

- Kentucky requires written consent and further specifies that “consent” means “the consent to transmission of images to a specific recipient or recipients. Consent to the

[14] Utah Code § 76-5b-205(a)(ii).
[15] Utah Code § 76-5b-203(a)(i).
[16] W. Va. Code § 61-8-28a(a)(5).
[17] Fla. Stat. § 836.13(7) as amended effective 10/1/2025.
[18] *See, e.g.*, the Oregon offense of “unlawful dissemination of an intimate image” which includes as an element that “[t]he person knows or reasonably should have known that the other person does not consent to the disclosure.” Or. Rev. Stat. § 163.472(1)(b).
[19] *See, e.g.*, Md. Code, CR § 3-809(c), which provides that “[a] person may not knowingly distribute a visual representation of another identifiable person … (2)(i) under circumstances in which the person knew that the other person did not consent to the distribution; or (ii) with reckless disregard as to whether the person consented to the distribution…”.
[20] *See, e.g.,* Ala. Code § 13A-6-240(a)(1) (written), Ky. Rev. Stat. Ann. § 531.120(1)(a) (written), Miss. Code Ann. § 97-29-64.1(1)(a) (effective), N.C. Gen. Stat. § 14-190.5A(b)(4) (affirmative), Okla. Stat. tit. 21, § 1040.13b(B) as amended effective 11/1/2025 (effective), Tex. Pen. Code § 21.16,(b)(1) (effective) and Wis. Stat. § 6-4-306(b)(ii) (express).

creation of the visual image does not, by itself, constitute consent to the distribution of the visual image."[21]

- In South Carolina, "[t]he fact that the identifiable individual: (1) provided affirmative consent for the creation of the intimate image shall not establish that the individual provided effective consent for the dissemination of the intimate image; and (2) disclosed the intimate image to another individual shall not establish that the identifiable individual provided effective consent for the dissemination of the intimate image by the person alleged to have violated this section."[22]
- The Texas offense for disclosure of artificial images specifies that "[c]onsent … is valid only if the person appearing to be depicted knowingly and voluntarily signed a written agreement that was drafted in plain language. The agreement must include: "(1) A general description of the deep fake media; and (2) if applicable, the audiovisual work into which the deep fake media will be incorporated."[23]
- In Vermont, "[c]onsent to recording or production of the visual image does not, by itself, constitute consent for disclosure of the image."[24]
- In Wisconsin, "consent" means "words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to the act. A person who has not attained the age of 18 is incapable of consent. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence … 1. A person suffering from a mental illness or defect that impairs capacity to appraise personal conduct. 2. A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act."[25]

Some state laws also specify that the depicted person creating the image or voluntarily sharing it with certain people, including the offender, is not a defense. For example, the Arkansas statute specifies: "It is not a defense to prosecution under this section that an intimate image: (1) Was created with the knowledge or consent of the identifiable person depicted in the intimate image; (2) Was created by the identifiable person depicted in the intimate image; (3) Was disclosed by the identifiable person depicted in the intimate image to another person; or (4) Is the property of a person charged under this section."[26] Pennsylvania and a small number of other states use the opposite approach, specifying that "[i]t is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted".[27] Michigan has a similar approach, specifying that consent is only a defense if "(a) The consent is contained in an agreement written in plain language signed knowingly and voluntarily by the depicted individual. (b) The consent includes a general description of the intimate digital depiction and, if applicable, the audiovisual work into which it will be incorporated."[28]

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[21] Ky. Rev. Stat. Ann. § 531.120(5).
[22] S.C. Code Ann. § 16-15-332(A).
[23] TX Pen Code 21.165(b-2).
[24] Vt. Stat. Ann. tit. 13 § 2606(b)(1).
[25] Wis. Stat. § 942.09(1)(ae).
[26] Ark. Code § 5-26-314(c).
[27] 18 Pa.Cons.Stat. § 3131(b).
[28] MI House BIll 4047, Enacted August 26, 2025 and immediately effective.

Expectation of Privacy

Another common element of these offenses is that the victim had an expectation that the image would remain private. In some states, such as Michigan, the issue is whether a "reasonable person would know or understand that the sexually explicit visual material was to remain private."[29] Similar to the consent element, some states have language that recognizes that victims may create and send the image themselves but still have an expectation of privacy as to further disclosure. For example, in Delaware, "[a] person who has, within the context of a private or confidential relationship, consented to the capture or possession of a visual depiction of the person when nude or when engaging in sexual conduct retains a reasonable expectation of privacy with regard to the reproduction, distribution, exhibition, publication, transmission, or other dissemination of the visual depiction beyond that relationship."[30] In Puerto Rico, "the fact that an individual sends or exchanges images, audio, videos, or any material through any means using any electronic device does not establish by itself that the individual lacked a reasonable expectation of privacy and intimacy."[31]

Other Intent Requirements

Most states also require some specific intent, such as intent to harm, harass, intimidate, threaten, or coerce the depicted person. In Washington, D.C., "[h]arm" means any injury, whether physical or nonphysical, including psychological, financial, or reputational injury."[32] Hawaii requires "intent to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, education, financial condition, reputation, or personal relationships or as an act of revenge or retribution."[33] In Louisiana, rather than requiring intent to harm, the statute requires that "[t]he person who discloses the image knew or should have known that the disclosure could harass or cause emotional distress to the person in the image."[34] North Carolina's NDII law includes "intent to do either of the following: a. Coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person. b. Cause others to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person."[35] Some states require both intent to harm and that the actual victim is harmed or that a reasonable person would be harmed. In Oregon, the image disclosure must be "with the intent to harass, humiliate or injure another person … . The other person is harassed, humiliated, or injured by the disclosure; and … [a] reasonable person would be harassed, humiliated or injured by the disclosure."[36] A couple of states recognize sexual arousal as a possible goal of the offender.[37]

Penalty/Aggravating Factors

[29] Mich. Comp. Laws § 750.145e(1)(c).
[30] Del. Code. tit. 11, § 1335(a)(9)b.
[31] P.R. Laws tit. 33 § 1344.
[32] D.C. Code § 22-3051(2).
[33] Haw. Rev. Stat. § 711-1110.9(1)(b).
[34] La. Stat. Ann. § 14:283.2. A.(4).
[35] N.C. Gen. Stat. § 14-190.5A(b)(1).
[36] Or. Rev. Stat. § 163.472(1).
[37] *See, e.g.,* Wis. Stat. § 6-4-306(b)(iii)(B).

Most state laws include aggravating factors that enhance the penalty for the offense. In many cases, these are limited to repeat offenses or the age of the offender or victim, but some state laws include aggravating factors related to the circumstance of the crime. In a small number of states, intent to harm the victim is an aggravating factor, rather than an element of the offense.[38] Some states also enhance the penalty for the offense if it was committed with a purpose of financial gain.[39] Some states provide sentencing enhancements for use of certain technology, such as computer systems, in committing the offense.[40] Colorado provides an enhancement "if the actor disclosed the private intimate image or intimate digital depiction and the disclosure posed an imminent and serious threat to the depicted individual's safety or the safety of the depicted individual's immediate family and the actor knew or reasonably should have known of the imminent and serious threat."[41] On the other hand, Massachusetts has a statute providing for a special educational diversion program for minors convicted of dissemination of intimate images of other minors.[42]

Provisions to Protect Victim Privacy

A small number of statutes include provisions to protect victim privacy by limiting who can view the images in question. In Massachusetts, "[v]isual material that is part of any court record arising from a prosecution under this subsection shall not be open to public inspection and, unless otherwise ordered in writing by the court, shall only be made available for inspection by court personnel to a district attorney, a defendant's attorney, a defendant or a victim connected to such prosecution; provided, however, that this paragraph shall not prohibit disclosure, inspection or other use of the visual material in the underlying prosecution or any related court proceeding in accordance with applicable evidentiary and procedural rules or a court order."[43] A few states provide for removal or destruction of the images. In North Carolina, "the court may award the destruction of any image made in violation of this section."[44]

Jurisdiction/Venue

A small number of states address where the crime may be prosecuted. For example, in Florida, a violation of the nonconsensual disclosure statute "is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state."[45] In Virginia, [v]enue for a prosecution … may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section."[46]

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[38] *See, e.g.,* S.C. Code Ann. § 16-15-332(B), which also includes purpose of profit or pecuniary gain as an aggravating factor.
[39] *See, e.g.*, Fla. Stat. § 784.049(4) as amended effective 10/1/2025.
[40] *See, e.g.,* Conn. Gen. Stat. § 53a-189c(c).
[41] Colo. Rev. Stat. § 18-7-107(1)(b).
[42] Mass. Gen. Laws ch. 119 § 54B.
[43] Mass. Gen. Laws ch. 265 § 43A(b)(5).
[44] N.C. Gen. Stat. § 14-190.5A(e).
[45] Fla. Stat. § 784.049(9) as amended effective 10/1/2025.
[46] Va. Code Ann. § 18.2-386 2.C.

Exceptions

Most state laws describe situations where release of an image is not a violation of the statute, generally classifying them as "defenses" or "exceptions." Here are the most common such exceptions:

- Disclosure made in the public interest
    - Reporting a crime
    - Law enforcement, prosecution, or corrections
    - Medical treatment
    - Legal proceedings
    - Scientific or educational activities
    - News reporting
- Computer, telecommunication, or cable services (generally where they do not provide the content)
- Images resulting from voluntary exposure in a public place or commercial setting
- Images voluntarily made for commercial purposes

Federal Law

Federal law also prohibits intentional disclosure of nonconsensual intimate visual depictions.[47] This includes both authentic images and digital forgeries. For authentic images, the statute specifies that the image was obtained or created under circumstances that the person knew or should have known that the subject of the image had a reasonable expectation of privacy, that what was depicted was not voluntarily exposed by the subject, that what is depicted is not a matter of public concern, and that the publication either is intended to cause harm or causes harm to the subject. Elements for digital forgeries are the same except that instead of expectation of privacy, the statute specifies that the image was published without consent. Consent is defined as "an affirmative, conscious, and voluntary authorization made by an individual free from force, fraud, duress, misrepresentation, or coercion." The statute also provides that "the fact that the identifiable individual provided consent for the creation of the intimate visual depiction shall not establish that the individual provided consent for the publication of the intimate visual depiction" and "the fact that the identifiable individual disclosed the intimate visual depiction to another individual shall not establish that the identifiable individual provided consent for the publication of the intimate visual depiction by the person alleged to have [committed the disclosure offense]."

Chart

The below chart illustrates key aspects of the nonconsensual disclosure laws (not including laws that only prohibit release of images captured through video voyeurism)[48] from the states and territories and the federal law. States that are listed more than once have multiple laws for nonconsensual disclosure of intimate images, often because disclosure of artificial images is a separate offense.

[47] 47 U.S.C. § 223(h).

[48] New Jersey is not included in the chart because they only have a distribution law for images captured by video voyeurism and not obtained through other means. American Samoa is also not included, as they have no distribution law of any kind.

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
AL	x	Intent to harm	x	x	x	
AK		Intent to harm				
AZ	x	Intent to harm		x (only for real or created/modified by victim)	x	x (disclosed by electronic means)
AR		None	x		x	x (intent to harm)
AR	x (artificial only)	None	x		x	
CA	x	Knows or should know plus actual distress		x (only for real images)	x	
CO	x	Intent to cause harm or knew or should have known expectation of privacy	x	x (or intent to cause harm)	x	x (imminent and serious threat and actor knew or should have known)
CT		Actual harm	x	x		x (dissemination to multiple people by computer)

[49] "Harm" varies by state and includes the term "harm" as well as harassing, threatening, coercing, intimidating, annoying, alarming, tormenting, terrorizing, etc.
[50] Beyond repeat offense or age.

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
DE	x	None	x	x		x (obtained the image by theft, distribution for profit, maintenance of a website to distribute the image, intent to harm plus reasonable person would suffer distress, identifiable information)
DC		Intent to harm or receive financial gain	x			
FL		None	x	x	x	
FL	x (artificial only)		x		x	
GA	x	Intent to harm or causes financial loss	x			
GU		Intent to harm		x	x	
HI	x	Intent to harm or for revenge	x		x	
ID		Intent to harm	x	x	x	
ID	x (artificial only)	Knows or should know that would cause harm or intent to harm	x		x	
IL		None	x	x	x	
IL	x (artificial only)	None	x		x	
IN	x	None	x		x	
IA	x	Intent to harm	x		x (for artificial images)	
KS	x	Intent to harm	x	x	x	

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
KY	x	Intent to profit or harm and a reasonable person would be harmed	x			x (distributed for profit or gain)
LA		Knew or should have known would harm	x	x	x	
LA	x (artificial only)		x			
ME	x[51]	Intent to harm	x	x	x	
MD	x	Intent to harm	x	x	x	
MA	x	Causes injury plus intent to harm or reckless disregard for likelihood of harm, lack of consent, and expectation of privacy	x (or intent to harm)	x (or intent to harm)	x	
MI		Intent to harm		x	x	
MI	x (artificial only)	Knew or should have known would cause harm			x	x (financial loss, intent to profit, use of website, intent to harm)
MN		None	x	x	x	x (intent to profit, actual financial loss, or intent to harass)
MN	x (artificial only)		x		x	x (intent to profit, actual financial loss, or intent to harass)

[51] As amended effective 9/24/25.

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
MS		Intent to harm and causes harm	x	x	x	x (intent to profit)
MO		Intent to harm	x	x	x	
MT	x[52]	Intent to harm or gain money	x	x	x	
MT	x (artificial only)	Knows or should know would cause harm or intent to harm or intent to gain money	x		x	
NE		None	x	x		
NV	x	Intent to harm	x	x	x	
NH	x[53]	Intent to harm	x	x (except for synthetic images)	x	
NM		Intent to harm, cause another to harm, or cause fear and reasonable person would be harmed	x			
NY	x	Intent to harm	x	x	x	
NC	x	Intent to harm or cause others to harm	x	x	x	
ND	x	Actual harm caused	x	x		
ND	x	Intent to harm	x	x		
NMI			x (or invasion of privacy)	x (or without consent)		
OH		Intent to harm	x		x	

[52] As amended effective 10/1/2025.
[53] As amended effective 10/1/2025.

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
OK	x[54]	Intent or reckless disregard to harm (only for artificial images)	x	x		x (gains or attempts to gain anything of value)
OR	x[55]	Intent to harm, person is harmed, and reasonable person would be harmed	x			
PA[56]	x	Intent to harm				
PR		None	x	x		x (to threaten, extort, or obtain personal gain)
RI	x	Knowledge of or reckless disregard for likelihood of harm or intent to harm	x	x	x	x (threats to obtain a benefit or demands for things of value in exchange for removing image)
SC	x	None	x	x	x	x (intent to cause harm or for purpose of profit)
SD	x (artificial only)	Intent to harm	x	x		
TN		Intent to harm and victim suffers harm		x	x	

[54] As amended effective 11/1/2025.
[55] As amended effective 1/1/2026.
[56] The PA offense is limited to current or former sexual or intimate partners for authentic images. The offense does not have this limitation with regard to artificial images.

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
TN	x (artificial only)	Intent to harm or knowledge of or disregard for harm				x (reasonably be expected to alter a governmental proceeding or facilitate violence)
TX		Intent to harm and causes harm	x	x	x	
TX	x (artificial only)	None	x			
UT	x	Knows or should know would cause reasonable person harm plus actual harm (with some exceptions)	x	x		
UT	x (artificial only)	Knows or should know would cause reasonable person harm	x		x	
VT	x	Intent to harm and would cause a reasonable person harm	x		x	
VA	x	Intent to harm	x		x (artificial only)	
VI	x	Intent to harm	x	x	x	
WA		Knows or should know would cause harm	x	x	x	
WA	x	Knows or should know would cause harm	x		x	

State	Includes artificial images	Harm requirement[49]	Lack of consent element	Privacy element	Identifiable image	Substantive aggregating factors[50]
WV	x	Intent to harm		x		
WI		None	x	x		
WI	x (artificial only)	Intent to coerce, harass, or intimidate			x	
WY	x	Intent to harm or for sexual gratification or arousal of other or the offender	x	x	x	
Fed	x	Intent to harm or causes harm	x (for artificial images)	x (for authentic images)	x	

Recommendations for State Laws Addressing Nonconsensual Disclosure of Intimate Images

- **Use broad definitions for terms such as "disclosure" and "image"** to ensure that all relevant behavior is covered and so that the offense covers newly developed technology without needing to be updated.
    - Current technology incorporates numerous ways to create, store, and share images.
    - Laws that reference specific technology, such as saving images on a "disk," can become outdated as technology changes.
    - Broad language, such as disclosure "by any means" or including "other depiction or portrayal" in the definition of "image" should allow for the law to adapt with changes in technology.
- **Recognize that an image may be "identifiable" beyond the image of the person**, such as background or voice.
    - Although it may not be clear that an image is of a certain person from the image itself, there may also be other information included in the recording that can identify the person, such as background or voice.
    - There may also be information that makes the image identifiable outside the image itself, such as other accompanying or subsequent material.
    - A broad definition of "identifiable" that includes aspects such as background and sound as well as related material can ensure that offenders can be held accountable for any images where viewers may be able to recognize the person

portrayed even where the face or other physical aspects are not clearly recognizable.

- **Include both authentic and artificial images.**
    - Technology is rapidly changing and it is becoming more common for offenders to use artificial intelligence and other technologies to create images that appear to be intimate images of a person.
    - Nonconsensual disclosure of artificial images can have the same negative impacts on victims as authentic images because of the perception by the viewer that it is an actual image of the person.
    - As technology evolves, it becomes more and more important to penalize creation and release of artificial images without consent in addition to authentic images.
    - This could be accomplished with a separate statute specific to artificial images or by incorporating artificial images into the existing state laws for NDII.
    - Some offenders include disclaimers on the artificial images stating that the image is artificial and that the person portrayed did not perform the actions portrayed. State laws can clarify that such disclaimers are not a defense to charges of NDII.
- **Include a narrow definition of "consent"** such as requiring the consent to be "written" or "express".
    - Whatever form the consent takes, it should be clear exactly what the person depicted has agreed to: who it can be shared with, how it can be shared, where it can be shared, etc.
    - Definitions of consent that require the consent to be "express," "affirmative,"or "effective" can help ensure that the consent is clear and offenders can be held accountable for sharing images outside the bounds of consent.
    - Laws can provide specific details of what must be included for consent to be valid, such as requiring it to be in writing and in plain language, and to include certain details such as a description of the image and how it will be shared.
    - Laws can also clarify that consent to creation of an image or sharing of an image does not constitute consent for further distribution.
- **Specify that even if the victim creates or discloses the image to certain people, they still have an expectation of privacy as to further disclosure.**
    - A victim may choose to share an image with one or more people, but not want it to be shared with others.
    - Laws should be clear that a person can be punished for any disclosures beyond what the victim has agreed to.
- **Not require intent to harm.**
    - Many state laws include a requirement that an offender have an intent to harm the victim, such as intent to harass, threaten, coerce, intimidate, annoy, etc. Some laws include a requirement that the offender knew their actions would harm the victim, that the victim was harmed, or that a reasonable person would be harmed by the disclosure of the images.
    - This adds a hurdle that prosecutors would have to prove, beyond showing that the release of the images was knowing or intentional.

    - States that wish to incorporate intent to harm in their NDII statutes should consider using it as an aggravating factor rather than an element of the offense.
- **Include related actions such as threats or causing others to disseminate.**
    - Offenders may threaten to release images, possibly as part of a pattern of sex trafficking or harassment.
    - They may also cause another person to release the images, rather than doing so themselves.
    - State NDII laws should specify that threats to release images and causing others to release them are included in the offense.
- **Provide privacy protections for the victim.**
    - Use a pseudonym.
    - Court orders to remove and destroy the images.
    - Limiting who can view the images in the case file.

Sexual Extortion[57]

Sexual extortion generally is when someone either threatens to release intimate images to get another person to do something (such as giving the offender money or providing further images) or demands something in exchange for removing such images. It also includes other types of threats used to get the victim to produce or release intimate images or engage in sexual conduct. Most states[58] that specifically address sexual extortion have a separate offense while many include it as a subsection within a nonconsensual disclosure of intimate images offense. In states that do not address this specifically, it can likely be prosecuted under other statutes such as a general extortion or blackmail statute. There are many ways that states define this crime and the required motive of the offender (*i.e.*, what the actor is trying to get the victim to do).

Some states do not have a separate offense, but instead include sexual extortion within the nonconsensual disclosure of intimate images offenses. In Texas, the statute entitled "Unlawful Disclosure or Promotion of Intimate Visual Material" includes a subsection stating that a person commits an offense if the person "intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the person's intimate parts exposed or engaged in sexual conduct and the actor makes the threat to obtain a benefit… ."[59] In Oklahoma, the statute for nonconsensual dissemination of "private sexual images" provides for a penalty enhancement for a person who "violates or attempts to violate … this section and who gains or attempts to gain any property or who gains or attempts to gain anything of value as a result of the nonconsensual dissemination or threatened dissemination of private sexual images or artificially generated sexual depictions."[60]

Many states penalize threats to get the victim to release intimate images or engage in intimate acts, threats in order to gain money or other tangible items, or both. Some state laws only

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[57] The purpose of this legislative bulletin is to provide examples of state laws relating to sexual extortion and information that states can use to evaluate their laws in considering improvements. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.
[58] "State" is generally used to denote states, territories, and the District of Columbia.
[59] TX. Pen. Code § 21.16(c).
[60] Okla. Stat. tit. 21, § 1040.13b G. as amended effective 11/1/2025.

address threatening release of images while others include refusal to remove an image unless the victim takes a specified action. In Pennsylvania, "[a] person commits the offense of sexual extortion if the person knowingly or intentionally coerces or causes a complainant … to: (1) engage in sexual conduct, the simulation of sexual conduct or a state of nudity; or (2) make, produce, disseminate, transmit or distribute any image, video, recording or other material depicting the complainant in a state of nudity or engaging in sexual conduct or in the simulation of sexual conduct." The statute lists several means for coercing the victim, including threatened distribution of intimate images, threats to harm the victim or the victim's reputation, or threatening to cause a loss or injury to the victim or a family or household member. The statute further provides that a person commits sexual extortion who "knowingly or intentionally: (1) solicits or demands the payment of money, property or services or any other thing of value from the complainant or a family or household member of the complainant in exchange for removing from public view or preventing the disclosure of any image, video, recording or other material …; or (2) disseminates, transmits or distributes, or threatens to disseminate, transmit or distribute, an image, video, recording or other material depicting the complainant in a state of nudity or engaging in sexual conduct or the simulation of sexual conduct to another person or entity, including a commercial social networking site, and solicits or demands the payment of money, property or services or any other thing of value from the complainant or a family or household member of the complainant in exchange for removing from public view or preventing disclosure of the image, video, recording or other material."[61]

Artificial Images

Many state laws prohibiting sexual extortion only include threats involving authentic images, although newer laws are adding threats involving artificial images. For example, in 2024, Idaho enacted a new statute which, among other things, specifies that a person commits the offense of "disclosing explicit synthetic media" when the person "possesses and threatens to disclose explicit synthetic media with the intent to obtain money or other valuable consideration from an identifiable person portrayed in whole or in part in the explicit synthetic media."[62] The definition of "image" applicable to Mississippi's crime of "sexual extortion" includes "a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical or other means."[63]

Aggravation/Mitigation

[61] 18 Pa.Cons.Stat. § 3133.
[62] Idaho Code Ann. § 18-6606(1)(c).
[63] Miss. Code Ann. § 97-3-119.1(e).

Many states increase the penalty for sexual extortion for repeat offenses or if the victim is a minor and the offender is an adult or for sexual extortion against a person with a developmental disability.[64] In Kentucky, the statute provides a lengthy list of aggravating factors including the victim, as a result of the threat: engaging in sexual conduct, providing intimate images, providing money to the offender, or suffering serious injury; or the offender occupying a position of special trust, or using or threatening use of a deadly weapon. If the victim attempts suicide within 90 days of the offense as a result of the trauma from the offense and suffers serious bodily injury or dies, the offense may be prosecuted as homicide or assault.[65] Similarly, Utah provides the following list of factors that increase the level of offense: "(i) the victim is a child or vulnerable adult; (ii) the offense was committed by the use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping; (iii) the victim suffered bodily injury or severe psychological injury during, or as a result of, the offense; (iv) the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense; (v) the actor, before sentencing for the offense, was previously convicted of any sexual offense; (vi) the actor occupied a position of special trust in relation to the victim; (vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, or sexual performance by the victim before any other individual, human trafficking, or human smuggling; or (viii) the actor caused the penetration, however slight, of the genital or anal opening of the victim by any part or parts of the human body, or by any other object."[66] In Mississippi, the law provides for an enhancement if the offense was committed for financial profit.[67]

Some states reduce the penalty under certain circumstances. In Arizona, the level of offense is reduced if the offender threatens to disclose an image, but does not actually release it.[68] In a few states, the penalty is reduced if the offender is a minor. Some of these state laws include language providing for counseling as part of the sentence.[69]

Protection of Victim Privacy

A small number of state laws include provisions to protect the privacy of the victim. For instance, in Hawaii, "(4) … the court may order the destruction of any recording made in violation of this

[64] *See, e.g.*, Ohio Rev. Code. § 2905.11(E)(2).
[65] Ky. Rev. Stat. Ann. § 531.125(2).
[66] Utah Code § 76-5b-204(2)(b).
[67] Miss. Code Ann. § 97-29-64.1(7)(c).
[68] Ariz.Rev.Stat. § 13-1425 C.2.
[69] *See, e.g.,* Mich.Comp. Laws § 750.213b(3).

section. (5) Any recording or image made or disclosed in violation of this section and not destroyed pursuant to subsection (4) shall be sealed and remain confidential."[70]

Exceptions

As with the nonconsensual distribution statutes, many of the sexual extortion statutes provide exceptions for activities that are in the public interest or for computer services that are not providing the content. For example, the Kentucky sexual extortion statute specifies that it "shall not apply to: (a) Images involving voluntary nudity or sexual conduct in public, commercial settings, or in a place where a person does not have a reasonable expectation of privacy; (b) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment; (c) Disclosures of materials that constitute a matter of public concern; or (d) When acting in its capacity as a provider of those services, a: 1. Broadband internet access service provider; 2. Telecommunications service provider, an interconnected VoIP service provider, or a mobile service provider as defined in 47 U.S.C. sec.153; 3. Commercial mobile service provider as defined in 47 U.S.C. sec.332; or 4. Cable operator as defined in 47 U.S.C. sec.522; or (e) An interactive computer service, as defined in 47 U.S.C. sec.230, related to content provided by a user of the interactive computer service."[71]

Jurisdiction/Venue

A small number of states have provisions addressing where a person can be prosecuted for sexual extortion. For example, Mississippi provides that "[a] person shall be subject to prosecution in this state for any conduct made unlawful by this section which the person engages in while: (a) Either within or outside of this state if, by such conduct, the person commits a violation of this section which involves an individual who resides in this state; or (b) Within this state if, by such conduct, the person commits a violation of this section which involves an individual who resides within or outside this state."[72] In Virginia, a prosecution for sexual extortion "may be in the county, city, or town in which the communication was either made or received."[73]

Chart

The below chart provides the specific language from each state regarding the offender's purpose in committing the sexual extortion as well as whether the state law includes artificial

[70] Haw. Rev. Stat. § 711-1110.9.
[71] Ky. Rev. Stat. Ann. § 531.125(4).
[72] Miss. Code Ann. § 97-29-64.1(8).
[73] Va. Code Ann. § 18.2-59.1 C.

images and any substantive aggravating factors beyond age or repeat offense. States listed twice have multiple applicable offenses.

State	Purpose	Artificial images	Substantive aggravating factors[74]
AL	To "compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will"[75]		
AZ	Intent to "…threaten or coerce"	x	
AZ	To coerce another person to: "1. Engage in sexual contact or sexual intercourse. 2. Allow the other person's genitals, anus or female breast to be photographed, filmed, videotaped or digitally recorded. 3. Exhibit the other person's genitals, anus or female breast."		
AR	To coerce or cause another person "to engage in sexual contact or sexually explicit conduct" or to "produce or distribute a recording of a person in a state of nudity or engaged in sexually explicit conduct" or for "payment of money or receipt of anything of value"		
CO	To "obtain a pecuniary benefit"	x	Disclosure posed an imminent and serious threat to safety if victim or family and actor knew or should have known of the threat

[74] This column refers to factors beyond age, status of victim as a vulnerable adult, and repeat offense.
[75] As amended effective 10/1/2005.

State	Purpose	Artificial images	Substantive aggravating factors[74]
DE	Intentionally "compels or induces another person to do 1 or more of the following: a. Engage in any sexual act involving contact, penetration, or intercourse with the defendant or another person. b. Produce a visual depiction of the victim or another person who is nude, or who is engaging in sexual conduct, with the victim or another person."		The extortion causes the victim to suffer serious physical injury or death.
GA	To "distribute any photograph, video, or other image that depicts any individual in a state of nudity or engaged in sexually explicit conduct"		
HI	To "harm substantially the depicted person with respect to that person's health, safety, business, calling, career, education, financial condition, reputation, or personal relationship"	x	
ID	To "obtain money or other valuable consideration"	x (artificial only)	
KS	To coerce or cause another person to: "(A) Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or (B) produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature"		

State	Purpose	Artificial images	Substantive aggravating factors[74]
KS	“[G]aining or attempting to gain anything of value or compelling or attempting to compel another to act against such person's will”		
KY	To coerce the victim to: “1. Engage in sexual conduct; 2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity; 3 Provide the payment of money, property, services, or any other thing of value to the perpetrator; or 4. Do any act or refrain from doing any act against his or her will”		Victim as a result engages in sexual conduct, produces intimate images, provides money or other things of value to the offender, does or refrains from any act against the victim’s will, or suffers serious physical injury. Also if offender occupied a position of trust or authority in relation to the victim or used or threatened the use of a deadly weapon. If victim attempts suicide resulting in serious physical injury or death within 90 days as a result of the offense, may be prosecuted as homicide.
MD	Cause another person to “engage in an act of sexual activity” or “engage as a subject in the production of a visual representation or performance that depicts the other with the other’s intimate parts exposed or engaging in or simulating an act of sexual activity”	x	
MI	To “obtain sexually explicit visual material or anything else of value”		Victim suffers serious physical or mental harm or death as a result
MN	Sexual contact or sexual penetration		
MS	To “obtain a benefit”		Committed for financial profit

State	Purpose	Artificial images	Substantive aggravating factors[74]
MS	To “obtain an additional private image or anything else of value”	x	The sexual extortion causes great bodily injury or death to the victim
MO	The offender “gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting”		
MT	To “obtain money or other valuable consideration”[76]	x[77]	
MT	To “to obtain money or other valuable consideration”	x (artificial only)	
NE	Intent to “intimidate, threaten, or harass”		
NV	For “payment of money, property, services or anything else of value”	x[78]	
NJ	To coerce or cause “another person to: engage in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration”		

[76] As amended effective 10/1/2025.
[77] As amended effective 10/1/2025.
[78] As amended effective 10/1/2025.

State	Purpose	Artificial images	Substantive aggravating factors[74]
NY	The offender "compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage, or compels or induces a person to join a group, organization or criminal enterprise which such latter person has a right to abstain from joining, or compels or induces a person to produce, disseminate, or otherwise display an image or images depicting nudity of such person or depicting such person engaged in sexual conduct"		Compels the victim to engage in sexual contact
NC	To "obtain additional private images or anything else of value or any acquittance, advantage, or immunity"	x	
ND	To coerce or cause a victim "to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct" or "a demand for money"	x	
OH	To "(1) Compel or attempt to compel the other person, against the other person's will, to perform any act or refrain from performing any act; (2) Induce the other person to commit an offense; (3) Obtain additional private images from the other person; (4) Obtain anything of value from the other person."		

State	Purpose	Artificial images	Substantive aggravating factors[74]
OK	To gain or attempt to gain "any property" or "anything of value"	x[79]	
PA	"[C]ause the complainant to … (a) (1) engage in sexual conduct, the simulation of sexual conduct or a state of nudity; or (2) make, produce, disseminate, transmit or distribute any image, video, recording or other material depicting the complainant in a state of nudity or engaging in sexual conduct or in the simulation of sexual conduct." "(c)solicits or demands … money, property or services or any other thing of value from the complainant or a family or household member of the complainant"		Offender held a position of trust or power over the victim, victim attempted suicide within 90 days as a result of the offense and suffers serious bodily injury or dies
PR	To "threaten, extort, or obtain any personal gain		
RI	To "obtain a benefit" or anything of value.	x	
SC	To "obtain additional private images or anything else of value"	x	Victim suffers great bodily injury or result as a result of the sexual extortion.
TX	To "obtain a benefit"		
TX	"[I]ntent to coerce, extort…"	x (artificial only)	

[79] As amended effective 11/1/2025.

State	Purpose	Artificial images	Substantive aggravating factors[74]
TX	To obtain "(1) intimate visual material; (2) an act involving sexual conduct causing arousal or gratification; or (3) a monetary benefit or other benefit of value"		
UT	To coerce a victim or knowingly cause a victim "to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute an image, video, or other recording of any individual naked or engaged in sexually explicit conduct" or "to obtain a thing of value"	x	Committed by use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping; the victim suffered bodily or psychological injury as a result of, the offense; the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense; the actor, before sentencing for the offense, was previously convicted of any sexual offense; the actor occupied a position of special trust in relation to the victim; the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, or sexual performance by the victim before any other individual, human trafficking, or human smuggling; or the actor caused sexual penetration.

State	Purpose	Artificial images	Substantive aggravating factors[74]
VA	"[T]o cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse"		
WV	"[T]o obtain additional private images, anything of value, or other consideration"	x	Victim is minor or vulnerable adult or victim suffers serious bodily injury or death

Recommendations for State Laws Addressing Sexual Extortion

- **Include both threats to release intimate images and refusal to take down such images.**
    - Offenders may post an image and then refuse to take it down if the victim doesn't take a specified action or they may threaten to share the image to get the victim to take the action.
    - Laws should address both of these behaviors in order to prevent and penalize all forms of sexual extortion.
- **Include the full range of what the offender is attempting to gain from the threat.**
    - Some threats may be directed at getting the victim to take sexual actions, such as creating or providing further inanimate images or engaging in sexual acts with the offender or with others.
    - Some threats may be focused on material gain, such as the victim paying money or providing property or other items of value.
    - Sexual extortion laws should include both categories of threats.
- **Include both authentic and artificial images.**
    - Technology is rapidly changing and it is becoming more common for offenders to use artificial intelligence and other technologies to create images that appear to be intimate images of a person.
    - Offenders often use such artificial or "deepfake" images to threaten the person depicted or extort the victim by refusing to remove such images.
    - States can enact a separate statute specific to artificial images or incorporate artificial images into the existing state laws for sexual extortion.

- **Provide penalty enhancements for bodily harm or suicide of the victim as a result of the offense.**
    - Sexual extortion can be extremely traumatic, causing severe emotional distress.
    - In some cases, it could lead to suicide.[80]
    - Laws can include penalty enhancements for harm to victims, such as psychological harm, bodily injury, and suicide.
- **Include provisions to protect victim privacy.**
    - Use a pseudonym.
    - Include court orders to remove and destroy the images.
    - Limit who can view the images in the case file.

[80] *See, e.g.*, "These teenage boys were blackmailed online – and it cost them their lives," USA Today, February 25, 2025, viewed at https://www.usatoday.com/story/life/health-wellness/2025/02/25/teenage-boys-mental-health-suicide-sextortion-scams/78258882007/

Cyberflashing[81]

Cyberflashing is when a person sends another person unwanted naked or sexual photos or videos via technology such as the internet, through an app, by AirDrop, or by text message. Most often, this takes the form of someone sending an unwanted picture of their genitals or exposing their genitals over live video.[82] This may be addressed under state[83] harassment laws. For example, in Alaska, the crime of harassment includes when a person "repeatedly sends to another person, publishes, or distributes electronic or printed photographs, pictures, or films that show the genitals of any person."[84] In Washington, cyberharassment includes making an electronic communication with intent to harass or intimidate any other person that "[u]ses any lewd, lascivious, indecent, or obscene words, images, or language, or suggests the commission of any lewd or lascivious act."[85]

Some states are addressing cyberflashing through civil remedies. In 2025, Oregon passed a new law providing a civil remedy for cyberflashing. HB3766, effective January 1, 2026, allows a victim to bring a civil action against a person who transmits an intimate image to the victim's computer or electronic device in certain circumstances. "Intimate image" is defined as "an image depicting sexual conduct … or uncovered human genitals." In 2024, a bill was introduced in the U.S. Congress (but ultimately did not pass) that would have created a federal civil remedy for victims who are sent unsolicited visual depictions of sexually explicit conduct.[86]

<u>Recommendations for State Laws Addressing Cyberflashing</u>

- **Include specific language to penalize sending unwanted images.**
    - Although states may be able to prosecute the sending of unwanted images using generic anti-harassment laws, describing the prohibited behavior specifically should improve prosecution for cyberflashing.
    - The use of such specific language can also help victims and others in the community recognize that such behavior is criminal.
- **Provide a civil remedy for victims.**
    - The civil courts provide another path to justice for victims of crime, including cyberflashing.

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[81] The purpose of this legislative bulletin is to provide examples of state laws relating to cyberflashing and information that states can use to evaluate their laws in considering improvements. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.

[82] Drawn from https://www.womenslaw.org/about-abuse/abuse-using-technology/ways-survivors-use-and-abusers-misuse-technology/abuse-11, last visited September 8, 2025.

[83] "State" is generally used to denote states, territories, and the District of Columbia.

[84] Alaska Stat. § 11.61.120(a)(8).

[85] Wash. Rev. Code § 9A.90.120(1)(a)(i).

[86] S. 3986, https://www.congress.gov/bill/118th-congress/senate-bill/3986/text.

- Civil remedies can help victims to recover, such as through money to pay for needed services such as therapy or help make up for losses such as lost wages when a victim misses work or loses their job due to the trauma they have experienced.
- They can also provide injunctions to prohibit further harassment.

Video Voyeurism[87]

Video voyeurism is recording an image of a person's private parts or a person engaged in sexual activity without the person's consent. Most states[88] have laws penalizing such activity although the specific structure and elements of the offenses vary greatly. The crimes generally have names such as intrusion, invasion of privacy, voyeurism, or video voyeurism.

Definitions for Recording Device

Some states provide specific definitions for what devices are used to record the image. For example, in Maryland, "camera" means "any electronic device that can be used surreptitiously to observe an individual."[89] In Florida, "imaging device" means "any mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person."[90] In Wisconsin, "captures a representation" means "takes a photograph, makes a motion picture, videotape, recording, or other visual or audio representation, or records or stores in any medium data that represents a visual image."[91]

Location of Offense

Some states specify the locations where the offense might take place, while others more generally reference a victim's expectation of privacy. For example, in Arizona, "[i]t is unlawful for any person to knowingly photograph, videotape, film, digitally record or by any other means secretly view, with or without a device, another person without that person's consent under either of the following circumstances: 1. In a restroom, bathroom, locker room, bedroom or other location where the person has a reasonable expectation of privacy and the person is urinating, defecating, dressing, undressing, nude or involved in sexual intercourse or sexual contact. 2. In a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public."[92] In Nevada, "a person shall not knowingly and intentionally capture an image of the private area of another person: (a) Without the consent of the other person; and (b) Under circumstances in which the other person has a reasonable expectation of privacy."[93]

Definitions of Intimate

[87] The purpose of this legislative bulletin is to provide examples of state laws relating to video voyeurism and information that states can use to evaluate their laws in considering improvements. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.
[88] "State" is generally used to denote states, territories, and the District of Columbia.
[89] Md. Code, CR § 3-902(a)(2).
[90] Fla. Stat. § 810.145(1)(c).
[91] Wis. Stat. § 942.09(1)(a).
[92] Ariz. Rev.Stat. § 13-3019 A.
[93] Nev. Rev. Stat. § 200.604 1.

Some state laws also include descriptions of the intimate parts of the victim that are recorded by the offender. For example, in Vermont, "[n]o person shall intentionally view, photograph, film, or record in any format: (1) the intimate areas of another person without that person's knowledge and consent while the person being viewed, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy; or (2) the intimate areas of another person without that person's knowledge and consent and under circumstances in which the person has a reasonable expectation of privacy. "Intimate areas" means "the naked or undergarment-clad genitals, pubic area, buttocks, or female breast of a person."[94]

Intent

Some state laws require a specific, sexual intent as an element of the video voyeurism offense. For example, Mississippi requires that the image is captured with "lewd, licentious, or indecent" intent.[95] North Dakota law specifies that the offense is committed "with the intent to arouse, appeal to, or gratify that individual's lust, passions, or sexual desires."[96] In South Carolina, "[a] person commits the crime of voyeurism if, for the purpose of arousing or gratifying sexual desire of any person, he or she knowingly views, photographs, audio records, videorecords, produces, or creates a digital electronic file, or films another person, without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy."[97]

Exceptions

Many of the state laws provide for exceptions, listing circumstances where recording a person without consent is not a crime. A common exception is for security systems. For example, in Florida, the law describing the video voyeurism offense does not apply to a "[s]ecurity system when a written notice is conspicuously posted on the premises stating that a video surveillance system has been installed for the purpose of security for the premises."[98] Other common exceptions are:

- Law enforcement or corrections officials in the line of duty
- Private investigators acting for legitimate investigative purposes
- Disclosure of images by an internet service provider, cable television provider, etc., where the provider did not create the image
- The use of child monitoring devices
- The press within their role to gather and disseminate news

Victim Privacy

A small number of state laws include provisions for the protection of victim privacy. In Kentucky, "the court on its own motion or on motion of the Commonwealth's attorney shall: (a) Order the sealing of all photographs, film, videotapes, or other images that are introduced into evidence during a prosecution under this section or are in the possession of law enforcement, the

[94] Vt.Stat. Ann. tit. 13 § 2605.
[95] Miss. Code Ann. § 97-29-63(1).
[96] N.D.Cent.Code. § 12.1-20-12.2 1.
[97] S.C. Code Ann. § 16-17-470(B).
[98] Fla. Stat. § 810.145(5)(b).

prosecution, or the court as the result of a prosecution under this section; and (b) At the conclusion of a prosecution under this section, unless required for additional prosecutions, order the destruction of all of the photographs, film, videotapes, or other images that are in possession of law enforcement, the prosecution, or the court."[99]

Federal Law

The federal video voyeurism law applies only in the special maritime and territorial jurisdiction and prohibits capturing an image "under circumstances in which the individual has a reasonable expectation of privacy" and with "intent to capture an image of a private area of an individual without their consent." Capture means "to videotape, photograph, film, record by any means, or broadcast" and private area of an individual means "the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual."

Recommendations for State Laws Addressing Video Voyeurism

- **Use a broad definition to describe the image and how it is recorded that can cover changes in technology.**
    - Specific terms such as "camcorder" or "videotape" can become outdated as technology changes.
    - Instead, laws should use broader terms such as "any other instrument, equipment, or format capable of recording, storing, or transmitting visual images" which should evolve with changes in technology.
    - States should also use terms such as "representation" rather than "image" that can include audio as well as visual representation.
- **Use a broad definition of private or intimate images.**
    - Rather than referring to specific locations such as restrooms or dressing rooms, the law should apply to anywhere that the victim has an expectation of privacy.
    - Laws can include images with undergarments as well as naked.
- **Do not require sexual intent, such as "intent to arouse."**
    - Offenders may record images for other purposes, such as to use them for sexual extortion or to control the victim.
    - Laws should penalize recording of intimate images without consent, regardless of sexual intent.
- **Include provisions to protect victim privacy.**
    - Use a pseudonym.
    - Include court orders to remove and destroy the images.
    - Limit who can view the images in the case file.

[99] Ky. Rev. Stat. Ann. § 531.090(3).

Civil Remedies for Image-Based Abuse[100]

Civil remedies for victims of image-based abuse (IBA) can help support their recovery, most often through financial payments which can help with costs associated with healing and losses, such as challenges with housing or employment due to trauma. Twenty-seven states[101] provide some form of explicit civil remedy for victims of IBA. Other states may also provide for such remedies through case law or through a more general cause of action, such as "invasion of privacy" or "intentional infliction of emotional distress." The chart and information below focus on the states that have explicit laws providing for civil remedies for victims of IBA. Some states also have specific laws providing civil remedies for creation of artificial (also called "deepfake") images that are not specific to sexual images. These are also not included in the chart and information below.

Most of the laws are within the civil code of the state, but a small number of states include the civil remedy within the criminal code section.[102] In some cases, the civil action is for perpetration of the crime,[103] but some statutes include a specification that conviction is not required. For example, the New Jersey section specifies that "[a] conviction of a violation of [the relevant penal code section] shall not be a prerequisite for a civil action brought pursuant to this section."[104] New York has a broader provision, specifying that "[n]othing herein shall be read to require a prior criminal complaint, prosecution or conviction to establish the elements of the cause of action provided for by this section."[105]

<u>Uniform Law</u>

In 2018, the Uniform Law Commission issued the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act" (hereinafter, "Uniform Act") which at least 12 states[106] have enacted. The Uniform Act provides monetary damages for a person harmed by an intentional disclosure or threat to disclose a private intimate image of an identifiable individual without the consent of the depicted individual, by a person who is aware that that:

- the depicted individual did not consent to the disclosure;

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[100] The purpose of this legislative bulletin is to provide examples of state laws providing civil remedies for image-based abuse and information that states can use to evaluate their laws in considering improvements. This bulletin is current through October 30, 2025. For laws that have been enacted before October 30, 2025 and have an effective date after October 30, 2025, the bulletin provides the new law and notes the effective date. The bulletin does not provide legal advice and does not include every possible remedy for each state, so we encourage users to consult a legal expert in their state.

[101] "State" is generally used to denote states, territories, and the District of Columbia.

[102] *See, e.g.*, Vt. Stat. Ann. tit. 13 § 2606, Disclosure of Sexually Explicit Images Without Consent, which in addition to describing a crime for nonconsensual disclosure includes that the victim has a private cause of action against the offender.

[103] *See, e.g.*, Ark. Code § 16-118-119, Civil Action for Unlawful Creation of Deepfake Visual material, which specifies "A person injured or damaged by reason of a violation of § 5-14-139 [the crime of Unlawful creation or distribution of deepfake visual material] may bring a civil action… ."

[104] NJ Rev. Stat. § 2A:58D-1.

[105] NY Civ. Rights Law § 52-B 10.

[106] Arizona, Arkansas, Colorado, Delaware, District of Columbia, Illinois, Iowa, Nebraska, North Dakota, South Dakota, Washington, and West Virginia.

- the intimate image was private; and
- the depicted individual was identifiable.[107]

Authentic and Artificial Images

Often the offenders of image-based abuse create artificial images (sometimes also called "deepfakes") that are still identifiable as the victim and therefore harmful in the same ways as authentic images. This is an emerging area of state law and therefore many of the state laws as well as the federal civil cause of action[108] only include authentic images. Some states that have included artificial images have done so through a separate code section specific to artificial images and others have added artificial images into the same section that provides civil relief for authentic images. The Uniform Act only includes authentic images, but some of the states have added artificial images when they enacted it.[109]

A small number of states that include artificial images in their civil remedy laws specify that it is not a defense that there is a disclaimer stating that the intimate digital depiction of the depicted individual was unauthorized or that the depicted individual did not participate in the creation or development of the material.[110]

Harm

In general, some kind of harm is a necessary element for a civil remedy. However, the Ohio law specifies that "[t]he victim shall be presumed to have suffered harm as a result of the nonconsensual dissemination of private sexual images" which would relieve the victim from the need to show that they were harmed (although the degree and nature of harm would likely still be relevant for damages).[111] Similarly, Missouri's civil remedy statute includes that "[h]umiliation or embarrassment shall be an adequate showing that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown."[112]

Consent

Several states and the Uniform Act include language around the meaning of "consent" in the context of consent to disclose images. The Uniform Act (and therefore many of the state laws) specifies that "[t]he following conduct by a depicted individual does not establish by itself that the individual consented to the disclosure of the intimate image which is the subject of an action under this [act] or that the individual lacked a reasonable expectation of privacy: (1) consent to

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[107] Viewed at https://www.uniformlaws.org/committees/community-home?communitykey=668f6afa-f7b5-444b-9f0a-6873fb617ebb August 17, 2025.
[108] 15 U.S.C. § 6851.
[109] *See, e.g.,* Del. Code tit. 10, § 7803(c), which includes "a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of a deep fake without the depicted individual's consent has a cause of action against the person." Subsection (b) of the same section contains parallel language for authentic images.
[110] *See, e.g.,* Cal. Civ. Code § 1708.86(d).
[111] Ohio Rev. Code §2307.66(B).
[112] Mo. Rev. Stat. § 573.110 7.

creation of the image; or (2) previous consensual disclosure of the image."[113] Some states, such as Colorado[114] and Tennessee[115] require explicit, written consent in order for the consent to be valid. These were both newly enacted in 2025 to provide civil remedies for artificial depictions.

Victim Privacy

Many of the state laws include provisions to protect the privacy of the victim, such as letting them proceed using a pseudonym. The Uniform Act includes two options for protection of victim privacy. The first option simply states, "a plaintiff may proceed using a pseudonym in place of the true name of the plaintiff under [applicable state law or procedural rule]." The second option provides that "[i]n an action under this [act]: (1) the court may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff under [applicable state law or procedural rule]; (2) a plaintiff to whom paragraph (1) applies shall file with the court and serve on the defendant a confidential information form that includes the excluded or redacted plaintiff's name and other identifying characteristics; and (3) the court may make further orders as necessary to protect the identity and privacy of a plaintiff]."[116] The state laws that address victim privacy include variations of both of these options.

Types of Remedy

The Uniform Act and most state laws specify that monetary damages can be awarded. In a small number of states, this is implicit rather than directly stated, through the use of language like "in addition to other relief." Monetary damages can take several forms. Most states include damages to compensate the victim for the harm suffered, including emotional distress. Many states and the Uniform Act also include statutory damages providing a floor such that the victim can collect the statutory amount if it is higher than the actual damages. The amount of statutory damages ranges from $10,000 (the Uniform Act and most states) to Minnesota, which provides for a civil penalty of up to $100,000 in addition to the financial losses.[117] Most states also allow punitive damages, an additional amount to punish the offender, and many states plus the Uniform Act provide for additional damages in the amount of any profit made by the offender due to the offense. Most states also allow for equitable relief, such as an injunction to order the person to remove the image or refrain from further disclosures. Some states provide for a daily fine for violation of such an injunction.[118] Most states also allow for attorneys fees and other costs to be collected from the defendant.

Exceptions

Most laws also provide for certain exceptions, where release of an image does not allow for a cause of action against the person who released the image. The exceptions in the Uniform Act, which is the same or similar to most states, are for disclosures:

> (1) made in good faith in: (A) law enforcement; (B) a legal proceeding; or (C) medical education or treatment; (2) made in good faith in the reporting or investigation of: (A)

[113] Section 3(c).
[114] Colo. Rev. Stat. § 13-21-1503(2)(b).
[115] Tenn. Code Ann. § 39-17-1903(c)(2).
[116] Section 5.
[117] Minn. Stat. § 604.32.
[118] *See, e.g.,* Minn. Stat. § 604.31.

unlawful conduct; or (B) unsolicited and unwelcome conduct; (3) related to a matter of public concern or public interest; or (4) reasonably intended to assist the depicted individual.[119]

Jurisdiction and Venue

Some state laws include information on where the case can be brought to account for the fact that the offender and victim may be in different locations. For example, Kentucky law specifies that "[t]he action may be filed in the Circuit Court for the county where the alleged violation occurred or the county where the victim resides.[120] The Minnesota law provides that "[a] court has jurisdiction over a cause of action filed pursuant to this section if the plaintiff or defendant resides in this state."[121]

Federal Law

The Violence Against Women Act Reauthorization Act of 2022 included a federal civil remedy for disclosure of authentic intimate images.[122] The federal law includes language specifying that consent to creation of the image or disclosure to someone else does not establish that the person consented to further release and provisions for confidentiality of the plaintiff. It provides for actual damages or statutory damages of up to $150,000 and also includes fees and costs and allows for injunctive relief. The federal law includes similar exceptions to the ones described above.

Chart

The below chart illustrates many of the features of the state and federal laws providing civil remedies for image-based abuse. It includes which states and territories cover authentic images, artificial images and both. States that are listed twice have two different laws, often due to a separate law for artificial images.

State	Damages for monetary gain to defendant	Punitive damages	Injunctive relief	Depicted individual creating image or disclosing it is not consent	Authentic only, artificial only, or both	Protect privacy	Notes
AZ*	x	x	x	x	authentic	x	
AR*	x	x	x	x	authentic	x	
AR		x	x		artificial		

[119] Section 4.
[120] Ky. Rev. Stat. Ann. § 411.218(2).
[121] Minn. Stat. § 604.31 Subd. 7.
[122] 15 U.S.C. § 6851.

State	Damages for monetary gain to defendant	Punitive damages	Injunctive relief	Depicted individual creating image or disclosing it is not consent	Authentic only, artificial only, or both	Protect privacy	Notes
CA			x		authentic	x	“In addition to other relief available by law.”
CA	x	x	x		artificial		
CO*	x	x	x	x	authentic	x	
CO	x	x	x	x	artificial	x	
DE*	x	x	x	x	both	x	
DC*	x	x	x	x	authentic	x	
FL		x	x		authentic		
FL			x		artificial		
IL*	x	x	x	x	both	x	
IN	x	x	x	x	both		
IA*	x	x	x	x	authentic	x	
KY		x			authentic		Specific to sexual extortion.
KY					authentic		Failure to remove an image upon request. Damages $1,000 per day.

State	Damages for monetary gain to defendant	Punitive damages	Injunctive relief	Depicted individual creating image or disclosing it is not consent	Authentic only, artificial only, or both	Protect privacy	Notes
MD					both	x	Criminal section for nonconsensual distribution specifies that victim has civil cause of action for defamation or invasion of privacy. Relief not specified other than attorney fees.
MI	x		x		Artificial	x	
MN	x		x	x	authentic	x	
MN	x		x	x	artificial	x	
MO					authentic		
NE*	x		x	x	both	x	

State	Damages for monetary gain to defendant	Punitive damages	Injunctive relief	Depicted individual creating image or disclosing it is not consent	Authentic only, artificial only, or both	Protect privacy	Notes
NJ		x	x		authentic		
NY		x	x		both		
NC		x			both		Section notes that remedy is in addition to being able to get a court order to destroy the image
ND	x	x	x		both	x	
ND*	x	x	x	x	authentic	x	
OH		x	x		authentic		
SD*	x	x	x	x	authentic	x	
TN	x	x	x	x	artificial	x	
TX		x	x		both	x	Changes adding artificial images and privacy provisions take effect 9/1/2025.
VT			x		both	x	Mentions “other relief available at law.”
VI		x	x		authentic		

State	Damages for monetary gain to defendant	Punitive damages	Injunctive relief	Depicted individual creating image or disclosing it is not consent	Authentic only, artificial only, or both	Protect privacy	Notes
WA*	x	x	x	x	both	x	
WV*	x	x	x	x	authentic	x	
Fed.			x	x	authentic	x	

*This state has enacted a version of the Uniform Act.

<u>Recommendations for State Laws Providing Civil Remedies for Victims of IBA</u>

- **Include both authentic and artificial images.**
    - Technology is rapidly changing and it is becoming more common for offenders to use artificial intelligence and other technologies to create images that appear to be intimate images of a person.
    - As technology evolves, it becomes increasingly important to include civil remedies for creation and release of artificial images without consent in addition to authentic images.
    - This could be accomplished with a separate statute specific to artificial images or by incorporating artificial images into the existing civil remedy statutes.
    - Some offenders include disclaimers on the artificial images stating that the image is artificial and that the person portrayed did not perform the actions portrayed. State laws can clarify that such disclaimers are not a defense to a civil suit for IBA.
- **Recognize different types of harm, such as embarrassment, humiliation, or other forms of emotional distress.**
    - One purpose of a civil remedy is to compensate a person for harm.
    - A victim of IBA can experience many types of harm, such as emotional distress, embarrassment, humiliation, financial losses, etc.
    - Civil remedy laws should be broad enough to encompass and compensate victims for all forms of harm.
- **Recognize that consent to creation of an image or voluntary disclosure do not equate to consent for further disclosure.**

    - Similar to the way that lack of consent is generally an element for the crime of nonconsensual disclosure of intimate images, it is also a common element of civil remedies for victims of IBA.
    - Victims may voluntarily create an image or share it with certain people while desiring it to be kept private beyond such people.
    - Civil statutes should include language to clarify that even where the victim consents to creation of the image or previous disclosure, a person can still be held liable for subsequent disclosures.
- **Include protections for victim privacy.**
    - Use a pseudonym.
    - Limit who can view the images in the case file.
- **Include all forms of remedy,** including compensation for harm, the amount of gain to the offender, punitive damages, statutory damages and injunctive relief such as ordering the offender to remove the image. Also include consequences for failure to obey any injunctive relief.
    - In addition to compensation for harm, victims can be compensated for the amount of money that the offender gained through the IBA and for their costs and attorneys fees in bringing the civil case.
    - Punitive damages can act as a further deterrent to prevent IBA.
    - Statutory damages can ensure a minimum amount that the victim can receive, even where the damages such as out-of-pocket losses and emotional distress may be difficult to prove.
    - Injunctive relief (also known as equitable relief) includes court orders to remove the images or refrain from sharing them. States can also provide for additional damages for violating the injunction.