

By the Committee on Criminal Justice; and Senator Simmons

591-02620-13

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1                   A bill to be entitled  
2           An act relating to computer or electronic device  
3           harassment; creating s. 847.0042, F.S.; prohibiting  
4           knowing use of a computer or other device to transmit  
5           or post any photograph or video of an individual which  
6           depicts nudity and specified information relating to  
7           the depicted individual for the purpose of harassment;  
8           providing criminal penalties; providing enhanced  
9           penalties for violations by persons 18 years of age or  
10          older involving victims younger than 16 years of age;  
11          providing for jurisdiction; amending s. 921.244, F.S.;  
12          providing that a person convicted of a violation of s.  
13          847.0042, F.S., be ordered to have no contact with the  
14          victim; providing criminal penalties for violation of  
15          such an order; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Section 847.0042, Florida Statutes, is created  
20 to read:

21           847.0042 Nude depictions with personal identifying  
22 information.-

23           (1) A person may not knowingly transmit or post to a social  
24 networking service or any other website, or knowingly cause to  
25 be transmitted or posted to a social networking service or any  
26 other website, in one or more transmissions or posts:

27           (a) A photograph or video which depicts nudity of another  
28 person, and

29           (b) Descriptive information in any form that conveys the

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30 personal identification information, as defined in s. 817.568,  
31 of the person whose nudity is depicted in the photograph or  
32 video;

33 (c) That results in the personal identification information  
34 being displayed together with, or being otherwise identifiable  
35 as connected with, the photograph or video;

36  
37 for the purpose of harassing the depicted person or causing  
38 others to harass the depicted person. "Harass" means to engage  
39 in conduct directed at a specific person that is intended to  
40 cause substantial emotional distress to such person and serves  
41 no legitimate purpose.

42 (2) (a) Except as provided in paragraph (b), a person who  
43 violates this section commits a felony of the third degree,  
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 (b) A person who is 18 years of age or older at the time of  
46 violating this section commits a felony of the second degree,  
47 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
48 if the violation involves a photograph or video of a person who  
49 was younger than 16 years of age at the time the photograph or  
50 video was made.

51 (3) An offense is committed within this state if any  
52 conduct that is an element of the offense or any harm to the  
53 depicted person resulting from the offense occurs within this  
54 state.

55 Section 2. Section 921.244, Florida Statutes, is amended to  
56 read:

57 921.244 Order of no contact; penalties.—

58 (1) At the time of sentencing an offender convicted of a

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59 violation of s. 794.011, s. 800.04, s. 847.0042, s. 847.0135(5),  
60 or any offense in s. 775.084(1)(b)1.a.-o., the court shall order  
61 that the offender be prohibited from having any contact with the  
62 victim, directly or indirectly, including through a third  
63 person, for the duration of the sentence imposed. The court may  
64 reconsider the order upon the request of the victim if the  
65 request is made at any time after the victim has attained 18  
66 years of age. In considering the request, the court shall  
67 conduct an evidentiary hearing to determine whether a change of  
68 circumstances has occurred which warrants a change in the court  
69 order prohibiting contact and whether it is in the best interest  
70 of the victim that the court order be modified or rescinded.

71 (2) Any offender who violates a court order issued under  
72 this section commits a felony of the third degree, punishable as  
73 provided in s. 775.082, s. 775.083, or s. 775.084.

74 (3) The punishment imposed under this section shall run  
75 consecutive to any former sentence imposed for a conviction for  
76 any offense under s. 794.011, s. 800.04, s. 847.0135(5), or any  
77 offense in s. 775.084(1)(b)1.a.-o.

78 Section 3. This act shall take effect October 1, 2013.