



CLERK ITEM 10-19

**THE NASSAU COUNTY LEGISLATURE
OFFICE OF LEGISLATIVE BUDGET REVIEW
MAURICE CHALMERS, DIRECTOR
FISCAL IMPACT STATEMENT**

TITLE:

Local law to protect against the Unlawful Disclosure of Intimate Images.

SUMMARY OF LEGISLATION:

This proposed law will add Title O, Unlawful Disclosure of Intimate Images, to the Nassau County Administrative Code. The enactment is to address the increase in the phenomenon known as “revenge porn”. Revenge porn occurs when individual(s) divulge sexually explicit images, of another person, without consent of the subject and in order to cause them suffering or embarrassment. The distribution of such materials results in an invasion of privacy and humiliation causing potentially devastating emotional pain, sorrow, distress, etc., to the individual(s) portrayed in the images.

The Nassau County Legislature acknowledges the necessity to protect the victims by banning the non-consensual distribution of such images and presenting a remedy for the violation of such prohibition. This proposed law will prohibit individual(s) from disclosing, or threatening to disclose, an intimate image with intent to cause harm to the physical, mental, emotional or financial welfare of the portrayed individual.

This law shall not apply if:

- A. The disclosure or threat of disclosure is made in the course of reporting unlawful activity, in the course of a legal proceeding or by law enforcement personnel in conducting their authorized duties.
- B. The disclosure is made by a provider of an interactive computer service, as defined in 47 U.S.C. § 230(f)(2), with regard to content provided by another information content provider, as defined in 47 U.S.C. § 230(f)(3).
- C. The disclosure or threat of disclosure is made in relation to a matter of legitimate public concern or is otherwise protected by the First Amendment of the United States Constitution.

The passage of this proposed law, by the Nassau County Legislature, will grant Nassau County officials the ability to investigate and prosecute such cases. A person found guilty would face an unclassified misdemeanor charge punishable by up to one year in jail and/or a fine of up to \$1,000. A person who suffers from a violation of this law shall have a civil cause of action against the individual who engaged in the prohibited conduct. The portrayed person may receive

compensatory and punitive damages, injunctive and declaratory relief, Attorney fees & costs; and any other relief as a court may deem appropriate.

EFFECTIVE DATE:

This local law will take effect immediately after enactment by the Legislature.

FISCAL IMPACT:

According to the Police Department, costs related to this local law will be absorbed into their daily work. It will be handled in the same fashion as other laws that have been added or amended. The penalties for violating this local law are only expected to generate minimal revenues.

ECONOMIC IMPACT:

No significant economic impact is expected as a result of this local law.

SOURCE OF INFORMATION:

Nassau County Police Department
Testimony at the Legislature

FISCAL IMPACT PREPARED BY:

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