

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

MEMORANDUM OF SUPPORT A.1641-A Braunstein/S.2725-A Griffo

NON-CONSENSUAL DISTRIBUTION OF SEXUALLY EXPLICIT IMAGES

NYSCADV supports this legislation which criminalizes the disclosure of sexually explicit images without consent, and allows victims to seek civil remedy.

BACKGROUND

People have the right to control who can view them in their most intimate moments. The non-consensual sharing and distribution of intimate images that were taken with the expectation of privacy causes immediate, devastating, and in many cases irreversible harm. Many survivors are afraid to leave extremely abusive situations because their abusers are threatening to release intimate images of them if they leave. And, far too many abusers are following through with these threats.

THE PROBLEM

Technology is one of many tools abusers use to exert power and control over victims. Intimidation, threats, and the sharing of private information about victims are not new tactics, but the use of technology has made these types of abuse even more invasive, insensitive, and traumatizing. Recent research published by the National Network to End Domestic Violence (NNEDV) showed that 90% of domestic violence programs report that survivors are abused via technology. Non-consensual distribution of intimate images is one of the primary ways abusers use technology to harm victims.

New York's existing laws on unlawful surveillance make the non-consensual *recording* of a person in intimate circumstances a felony punishable by up to four years. These laws, like surveillance laws in many other states, recognize that people have the right to control who can view them in their most intimate moments. Taking that right seriously requires criminalizing the non-consensual *disclosure* of sexually explicit images as well. The proposed bill only criminalizes intentional, non-consensual disclosures of sexually explicit images that were obtained under reasonable expectations of privacy. This bill will not criminalize disclosures made for legitimate purposes, such as the reporting of unlawful conduct or matters in the public interest

NEW YORK MUST ADDRESS THIS IMMEDIATELY

New York State is falling behind on this issue. Victims of non-consensual distribution of intimate images in New York currently have no legal recourse. It is currently legal to distribute sexually explicit images that were taken with the expectation of privacy without that person's consent. This is unacceptable. Twenty-six states have passed related legislation, including 18 states that passed criminal legislation between 2013 and 2015 to address such conduct. It is time to take action.

NYSCADV urges you to support this important measure to hold offenders accountable and enhance the rights of victims.