

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 371

Introduced by DeBoer, 10; Hunt, 8.

Read first time January 16, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Civil Remedies for Unauthorized
2 Disclosure of Intimate Images Act; to amend sections 25-3502 and
3 25-3503, Revised Statutes Cumulative Supplement, 2024; to redefine
4 terms; to provide liability for images created by computer
5 generation or digital manipulation; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 25-3502, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 25-3502 In the Uniform Civil Remedies for Unauthorized Disclosure of
4 Intimate Images Act:

5 (1) Consent means affirmative, conscious, and voluntary
6 authorization by an individual with legal capacity to give authorization.

7 (2) Depicted individual means an individual whose body is shown in
8 whole or in part in an intimate image, including by means of computer
9 generation or digital manipulation.

10 (3) Disclosure means transfer, publication, or distribution to
11 another person. Disclose has a corresponding meaning.

12 (4) Identifiable means recognizable by a person other than the
13 depicted individual:

14 (A) from an intimate image itself; ~~or~~

15 (B) from an intimate image and identifying characteristic displayed
16 in connection with the intimate image; or -

17 (C) from information displayed in connection with an intimate image.

18 (5) Identifying characteristic means information that may be used to
19 identify a depicted individual.

20 (6) Individual means a human being.

21 (7) Intimate image means a photograph, film, video recording, or
22 other similar medium that shows:

23 (A) the uncovered genitals, pubic area, anus, or female post-
24 pubescent nipple of a depicted individual; or

25 (B) a depicted individual engaging in or being subjected to sexual
26 conduct.

27 (8) Person means an individual, estate, business or nonprofit
28 entity, public corporation, government or governmental subdivision,
29 agency, or instrumentality, or other legal entity.

30 (9) Sexual conduct includes:

31 (A) masturbation;

- 1 (B) genital, anal, or oral sex;
- 2 (C) sexual penetration of, or with, an object;
- 3 (D) bestiality; or
- 4 (E) the transfer of semen onto a depicted individual.

5 **Sec. 2.** Section 25-3503, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 25-3503 (a) In this section:

8 (1) Harm includes physical harm, economic harm, and emotional
9 distress whether or not accompanied by physical or economic harm.

10 (2) Private means:

11 (A) created or obtained under circumstances in which a depicted
12 individual had a reasonable expectation of privacy; ~~or~~

13 (B) made accessible through theft, bribery, extortion, fraud, false
14 pretenses, voyeurism, or exceeding authorized access to an account,
15 message, file, device, resource, or property; or -

16 (C) created by means of computer generation or digital manipulation
17 without the consent of the depicted individual.

18 (b) Except as otherwise provided in section 25-3504, a depicted
19 individual who is identifiable and who suffers harm from a person's
20 intentional disclosure or threatened disclosure of an intimate image that
21 was private without the depicted individual's consent has a cause of
22 action against the person if the person knew or acted with reckless
23 disregard for whether:

24 (1) the depicted individual did not consent to the disclosure;

25 (2) the intimate image was private; and

26 (3) the depicted individual was identifiable.

27 (c) The following conduct by a depicted individual does not
28 establish by itself that the individual consented to the disclosure of
29 the intimate image which is the subject of an action under the Uniform
30 Civil Remedies for Unauthorized Disclosure of Intimate Images Act or that
31 the individual lacked a reasonable expectation of privacy:

1 (1) consent to creation of the image; or

2 (2) previous consensual disclosure of the image.

3 (d) A depicted individual who does not consent to the sexual conduct
4 or uncovering of the part of the body depicted in an intimate image of
5 the individual retains a reasonable expectation of privacy even if the
6 image was created when the individual was in a public place.

7 **Sec. 3.** Original sections 25-3502 and 25-3503, Revised Statutes
8 Cumulative Supplement, 2024, are repealed.