

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2146

04/07/2015 Authored by Mack

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; prohibiting the unauthorized release of images;
1.3 providing penalties; amending Minnesota Statutes 2014, section 609.746, by
1.4 adding a subdivision.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 609.746, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 1a. **Unauthorized release of images.** (a) A person who discloses, knowing
1.9 that the person is not licensed or privileged to do so, any photograph, film, videotape,
1.10 recording, or any other reproduction of the image of another person whose intimate parts
1.11 are exposed or who is engaged in an act of sexual penetration or sexual contact, unless the
1.12 person in the image consented to such disclosure, is guilty of a felony.

1.13 (b) It is an affirmative defense to a charge under this subdivision if the defendant
1.14 posted or otherwise provided prior notice to the person in the image of the defendant's
1.15 intent to disclose the image and the defendant acted with a lawful purpose.

1.16 (c) An employee of a retailer is immune from prosecution under this subdivision if
1.17 the person discloses images of individuals using the retailer's fitting or changing rooms
1.18 under the following circumstances:

1.19 (1) to law enforcement officers in connection with a criminal investigation;

1.20 (2) pursuant to a subpoena or court order for use in a legal proceeding; or

1.21 (3) to a coworker, manager, or supervisor acting within the scope of the person's
1.22 employment.

1.23 (d) For purposes of this subdivision, a law enforcement officer, or a corrections
1.24 officer or guard in a correctional facility or jail, who is engaged in the official performance

2.1 of duties shall be deemed to be licensed or privileged to make and to disclose observations,
2.2 photographs, films, videotapes, recordings, or any other reproductions.

2.3 (e) A person who violates this section may be sentenced to imprisonment for not
2.4 more than two years, or to payment of a fine of not more than \$30,000, or both.

2.5 (f) For purposes of this subdivision, the following terms have the meanings given:

2.6 (1) "disclose" means sell, manufacture, give, provide, lend, trade, mail, deliver,
2.7 transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, or offer; and

2.8 (2) "intimate parts" has the meaning given in section 609.341, subdivision 5.