

115TH CONGRESS  
1ST SESSION

# S. 1346

To amend the Uniform Code of Military Justice to prohibit the nonconsensual distribution of private sexual images and to prohibit harassment, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2017

Ms. WARREN (for herself and Mr. SULLIVAN) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

---

## A BILL

To amend the Uniform Code of Military Justice to prohibit the nonconsensual distribution of private sexual images and to prohibit harassment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Service-  
5 members Online Act of 2017”.

1 **SEC. 2. PROHIBITION ON NONCONSENSUAL DISTRIBUTION**  
2 **OF PRIVATE SEXUAL IMAGES.**

3 (a) PROHIBITION.—Section 920c of title 10, United  
4 States Code (article 120c of the Uniform Code of Military  
5 Justice), is amended—

6 (1) by redesignating subsection (d) as sub-  
7 section (e); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing new subsection (d):

10 “(d) NONCONSENSUAL DISTRIBUTION OF PRIVATE  
11 SEXUAL IMAGES.—

12 “(1) IN GENERAL.—Any person subject to this  
13 chapter who—

14 “(A) knowingly broadcasts or distributes a  
15 visual image of another person who—

16 “(i) is at least 18 years of age;

17 “(ii) is identifiable from the image  
18 itself or from information displayed in con-  
19 nection with the image;

20 “(iii) is engaged in a sexual act or ex-  
21 poses a private area; and

22 “(iv) had a reasonable expectation of  
23 privacy in the conduct depicted on the  
24 image;

25 “(B) knows that the image was to remain  
26 private;

1           “(C) knows that the person depicted in the  
2           image has not consented to the broadcast or  
3           distribution; and

4           “(D) broadcasts or distributes the image  
5           with the intent to harm, harass, intimidate, or  
6           coerce the person depicted in the image;

7 is guilty of an offense under this subsection and shall be  
8 punished as a court-martial may direct.

9           “(2) CONSTRUCTION OF CERTAIN BROADCAST  
10          OR DISTRIBUTION.—The broadcast or distribution  
11          by a person of a visual image of the person to one  
12          other particular person shall not, by itself, constitute  
13          consent for the broadcast or distribution of the vis-  
14          ual image by that particular person to any other  
15          person or persons for purposes of this subsection.”.

16          (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall apply to offenses committed on or  
18 after the date of the enactment of this Act.

19 **SEC. 3. PROHIBITION ON HARASSMENT.**

20          (a) PUNITIVE ARTICLE.—

21               (1) IN GENERAL.—Subchapter X of chapter 47  
22               of title 10, United States Code (the Uniform Code  
23               of Military Justice), is amended by inserting after  
24               section 917 (article 117) the following new section  
25               (article):

1 **“§ 917a. Art. 117a. Harassment**

2 “(a) IN GENERAL.—Any person subject to this chap-  
3 ter who—

4 “(1) intentionally engages in a course of con-  
5 duct, including broadcast or transmission by elec-  
6 tronic means, with the intent to cause harm through  
7 directing harassing communications at one or more  
8 specific other persons; and

9 “(2) causes harm to the other person or per-  
10 sons, or to the military unit of the other person or  
11 persons, by the harassing communication;

12 is guilty of an offense under this section and shall be pun-  
13 ished as a court-martial may direct.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘course of conduct’ means a pat-  
16 tern of conduct consisting of two or more acts di-  
17 rected to a specific person or persons and evidencing  
18 a continuity of purpose.

19 “(2) The term ‘harassing communication’  
20 means a communication that—

21 “(A) seriously intimidates or harasses an-  
22 other person or persons;

23 “(B) would cause a reasonable person to  
24 suffer substantial emotional distress; and

25 “(C) serves no military purpose.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of subchapter X of chapter 47  
3           of such title is amended by inserting after the item  
4           relating to section 917 (article 117) the following  
5           new item:

“917a. 117a. Harassment.”.

6           (b) COORDINATION WITH UCMJ REFORM.—

7           (1) IN GENERAL.—Effective as of the effective  
8           date of the amendments made by division E of the  
9           National Defense Authorization Act for Fiscal Year  
10          2017 (Public Law 114–328), as provided in section  
11          5542(a) of that Act, and immediately after the com-  
12          ing into effect of such amendments, subchapter X of  
13          chapter 47 of title 10, United States Code (the Uni-  
14          form Code of Military Justice), is further amend-  
15          ed—

16                (A) by transferring section 917a (article  
17                117a), as added by subsection (a), to appear  
18                after section 915 (article 115), as amended by  
19                section 5427 of the National Defense Author-  
20                ization Act for Fiscal Year 2017; and

21                (B) by redesignating such section (article),  
22                as so transferred, as section 915a (article  
23                115a).

24          (2) CLERICAL AMENDMENTS.—Effective as of  
25          the effective date provided in paragraph (1), the

1 table of sections at the beginning of subchapter X of  
2 chapter 47 of such title, as amended by section 5452  
3 of the National Defense Authorization Act for Fiscal  
4 Year 2017, is further amended—

5 (A) by inserting after the item relating to  
6 section 915 (article 115) the following new  
7 item:

“915a. 115a. Harassment.”;

8 and

9 (B) by striking the item relating to section  
10 917a (article 117a).

○