

117TH CONGRESS
2D SESSION

H. R. 6998

To amend title 18, United States Code, to provide that it is unlawful to knowingly distribute private intimate visual depictions with reckless disregard for the individual's lack of consent to the distribution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2022

Ms. SPEIER (for herself, Mr. KATKO, Mr. ALLRED, Mrs. AXNE, Mr. BLUMENAUER, Ms. BROWNLEY, Mr. CARSON, Mr. CASTEN, Ms. CASTOR of Florida, Mr. COHEN, Mr. COSTA, Ms. DEAN, Ms. DELBENE, Ms. ESHOO, Mr. FITZPATRICK, Ms. LOIS FRANKEL of Florida, Mr. GARCÍA of Illinois, Ms. HOULAHAN, Mr. KEATING, Mr. KILMER, Ms. KUSTER, Mrs. LAWRENCE, Mr. MALINOWSKI, Mr. MEEKS, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. OMAR, Ms. PINGREE, Ms. PLASKETT, Ms. PORTER, Mr. PRICE of North Carolina, Mr. RASKIN, Mr. THOMPSON of California, Mr. TONKO, Mrs. CAROLYN B. MALONEY of New York, Mr. LOWENTHAL, Mrs. DINGELL, Ms. STEVENS, Ms. LEE of California, Mr. COOPER, Ms. MENG, Mr. LYNCH, Ms. SCANLON, Mr. JONES, Mr. DEFazio, Mrs. WATSON COLEMAN, Mr. SCHIFF, Mr. GIMENEZ, Mr. CARTER of Texas, Mr. AGUILAR, Mr. PANETTA, Mrs. MURPHY of Florida, Mrs. CHERFILUS-McCORMICK, Mr. MOULTON, Ms. MCCOLLUM, Mr. O'HALLERAN, Mr. CLEAVER, Ms. PRESSLEY, Mr. FOSTER, Mr. DANNY K. DAVIS of Illinois, Mr. GOTTHEIMER, Ms. GARCIA of Texas, Mr. SWALWELL, Ms. ESCOBAR, Mrs. BUSTOS, Mr. SOTO, and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide that it is unlawful to knowingly distribute private intimate visual depictions with reckless disregard for the individ-

ual’s lack of consent to the distribution, 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 “Stopping Harmful
5 Image Exploitation and Limiting Distribution Act of
6 2022” or the “SHIELD Act of 2022”.

7 **SEC. 2. CERTAIN ACTIVITIES RELATING TO INTIMATE VIS-**
8 **UAL DEPICTIONS.**

9 (a) IN GENERAL.—Chapter 88 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 1802. Certain activities relating to intimate visual**
13 **depictions**

14 “(a) DEFINITIONS.—In this section:

15 “(1) COMMUNICATIONS SERVICE.—The term
16 ‘communications service’ means—

17 “(A) a service provided by a person that is
18 a common carrier, as that term is defined in
19 section 3 of the Communications Act of 1934
20 (47 U.S.C. 153), insofar as the person is acting
21 as a common carrier;

22 “(B) an electronic communication service,
23 as that term is defined in section 2510;

1 “(C) an information service, as that term
2 is defined in section 3 of the Communications
3 Act of 1934 (47 U.S.C. 153); and

4 “(D) an interactive computer service, as
5 that term is defined in section 230(f) of the
6 Communications Act of 1934 (47 U.S.C.
7 230(f)).

8 “(2) INFORMATION CONTENT PROVIDER.—The
9 term ‘information content provider’ has the meaning
10 given that term in section 230(f) of the Communica-
11 tions Act of 1934 (47 U.S.C. 230(f)).

12 “(3) INTIMATE VISUAL DEPICTION.—The term
13 ‘intimate visual depiction’ means any visual depic-
14 tion (as that term is defined in section 2256(5))—

15 “(A) of an individual who is reasonably
16 identifiable from the visual depiction itself or
17 information displayed in connection with the
18 visual depiction;

19 “(B) in which—

20 “(i) the individual has obtained 18
21 years of age and is engaging in sexually
22 explicit conduct; or

23 “(ii) the naked genitals, anus, pubic
24 area or post-pubescent female nipple of the
25 individual are visible;

1 “(C) in which the content described in sub-
2 paragraph (B) is not simulated; and

3 “(D) in original or modified format.

4 “(4) SEXUALLY EXPLICIT CONDUCT.—The term
5 ‘sexually explicit conduct’ has the meaning given
6 that term in section 2256(2)(A).

7 “(b) OFFENSE.—Except as provided in subsection
8 (d), it shall be unlawful to knowingly use any means or
9 facility of interstate or foreign commerce to distribute an
10 intimate visual depiction of an individual—

11 “(1) with knowledge of or reckless disregard
12 for—

13 “(A) the lack of consent of the individual
14 to the distribution; and

15 “(B) the reasonable expectation of the in-
16 dividual that the depiction would remain pri-
17 vate; and

18 “(2) without an objectively reasonable belief
19 that such distribution touches upon a matter of pub-
20 lic concern.

21 “(c) PENALTY.—Any person who violates subsection
22 (b) shall be fined under this title, imprisoned not more
23 than 2 years, for each individual victim depicted, or both.

24 “(d) EXCEPTIONS.—

1 “(1) LAW ENFORCEMENT, LAWFUL REPORTING,
2 AND OTHER LEGAL PROCEEDINGS.—This section—

3 “(A) does not prohibit any lawful law en-
4 forcement, correctional, or intelligence activity;

5 “(B) shall not apply in the case of an indi-
6 vidual acting in good faith to report unlawful
7 activity or in pursuance of a legal or profes-
8 sional or other lawful obligation; and

9 “(C) shall not apply in the case of a docu-
10 ment production or filing associated with a legal
11 proceeding.

12 “(2) SERVICE PROVIDERS.—This section shall
13 not apply to any provider of a communications serv-
14 ice with regard to content provided by another infor-
15 mation content provider unless the provider of the
16 communications service intentionally solicits, or
17 knowingly and predominantly distributes, content
18 that the provider of the communications service ac-
19 tually knows is in violation of this section.

20 “(e) THREATS.—Any person who intentionally
21 threatens to commit an offense under subsection (b) shall
22 be punished as provided in subsection (c).

23 “(f) VENUE AND EXTRATERRITORIALITY.—A pros-
24 ecution under this section may be brought in a district
25 where the defendant or the depicted individual resides or

1 in a district where the intimate visual depictions are dis-
2 tributed. There is extraterritorial Federal jurisdiction over
3 an offense under this section if the defendant or the de-
4 picted individual is a citizen or permanent resident of the
5 United States.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 of chapter 88 of title 18, United States Code, is amended
8 by inserting after the item relating to section 1801 the
9 following:

“1802. Certain activities relating to intimate visual depictions.”.

