

**NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT
House Bill 792**

H792-CRTC-79 [v.10]

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[NO] Title Change

[NO] For Conference Committee Substitute

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 792, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM REVENGE POSTING ONLINE BY MAKING IT A CRIMINAL OFFENSE TO DISCLOSE CERTAIN IMAGES IN WHICH THERE IS A REASONABLE EXPECTATION OF PRIVACY AND TO MAKE INDECENT EXPOSURE THAT OCCURS ON PRIVATE PREMISES A CRIMINAL OFFENSE, Senate Judiciary I Committee Substitute Adopted 7/23/15, Fourth Edition Engrossed 8/5/15, submit the following report:

The House and the Senate agree to the following amendments to the Senate Judiciary I Committee Substitute Adopted 7/23/15, Fourth Edition Engrossed 8/5/15, and the House concurs in the Committee Substitute, as amended:

On page 1, lines 15-16, by deleting those lines and substituting the following:

"(3) Intimate parts. – Any of the following naked human parts: (i) male or female genitals, (ii) male or female pubic area, (iii) male or female anus, or (iv) the nipple of a female over the age of 12.";

and on page 1, line 30, through page 2, line 5, by deleting those lines and substituting the following:

"(b) Offense. – A person is guilty of disclosure of private images if all of the following apply:

- (1) The person knowingly discloses an image of another person with the intent to do either of the following:
 - a. Coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
 - b. Cause others to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
- (2) The depicted person is identifiable from the disclosed image itself or information offered in connection with the image.
- (3) The depicted person's intimate parts are exposed or the depicted person is engaged in sexual conduct in the disclosed image.



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- (4) The person discloses the image without the affirmative consent of the depicted person.
- (5) The person discloses the image under circumstances such that the person knew or should have known that the depicted person had a reasonable expectation of privacy.";

and on page 2, lines 21-23, by deleting those lines and substituting the following:

"(e) Destruction of Image. – In addition to any penalty or other damages, the court may award the destruction of any image made in violation of this section.

(f) Other Sanctions or Remedies Not Precluded. – A violation of this section is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

(g) Civil Action. – In addition to any other remedies at law or in equity, including an order by the court";

and on page 2, lines 33-40, by deleting those lines and substituting the following:

"The civil cause of action may be brought no more than one year after the initial discovery of the disclosure, but in no event may the action be commenced more than seven years from the most recent disclosure of the private image."

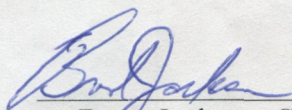
SECTION 1.1. G.S. 1-54 is amended by adding a new subsection to read:

"(11) No suit, action, or proceeding under G.S. 14-190.5A(g) shall be brought or maintained against any person unless such suit, action, or proceeding is commenced within one year after the initial discovery of the disclosure, but in no event may the action be commenced more than seven years from the most recent disclosure of the private image.""

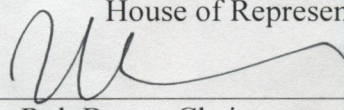
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: September __, 2015.

Conferees for the Senate


Brent Jackson, Chair

Conferees for the
House of Representatives

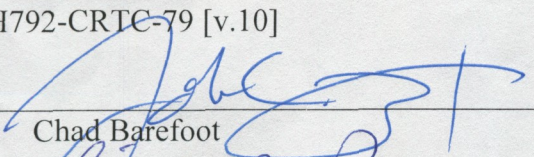

Rob Bryan, Chair

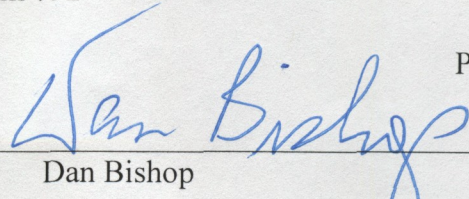
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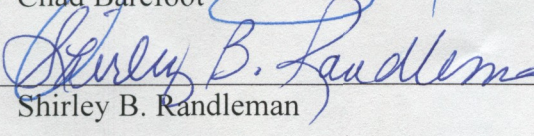
House Bill 792

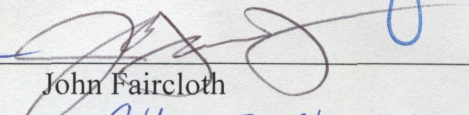
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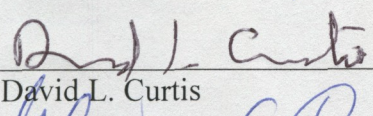
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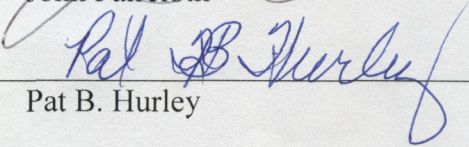

Chad Barefoot

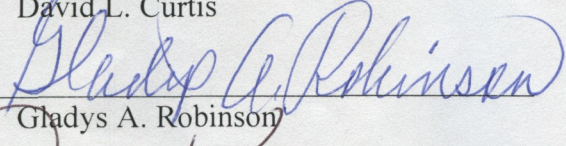

Dan Bishop

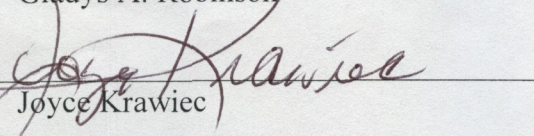

Shirley B. Randleman


John Faircloth


David L. Curtis


Pat B. Hurley


Gladys A. Robinson


Joyce Krawiec

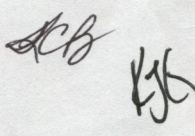
SENATE Submitted September 15, 2015

ADOPTED _____ (/)

ADOPTED _____ (/)

Message Received _____

Ordered Enrolled _____

 **PLACED ON CALENDAR FOR**
September 16, 2015