

# SENATE BILL No. 924

May 1, 2014, Introduced by Senators BIEDA, JONES, ROBERTSON, HOPGOOD, BRANDENBURG, ROCCA, KOWALL, HUNE, ANDERSON, EMMONS and SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 145e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 145E. (1) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

2 (A) POST ON THE INTERNET ANY SEXUALLY EXPLICIT PHOTOGRAPH,  
3 DRAWING, OR OTHER VISUAL IMAGE OF ANOTHER PERSON WITH THE INTENT TO  
4 FRIGHTEN, INTIMIDATE, OR HARASS ANY PERSON.

5 (B) HAVING POSTED ON THE INTERNET ANY SEXUALLY EXPLICIT  
6 PHOTOGRAPH, DRAWING, OR OTHER VISUAL IMAGE OF ANOTHER PERSON,  
7 REGARDLESS OF WHETHER THE POSTING WAS WITH THE INTENT TO FRIGHTEN,  
8 INTIMIDATE, OR HARASS ANY PERSON, REFUSE OR OTHERWISE FAIL TO

1 REMOVE THAT EXPLICIT PHOTOGRAPH, DRAWING, OR OTHER VISUAL IMAGE  
2 FROM THE INTERNET UPON THE WRITTEN REQUEST OF THAT OTHER PERSON.  
3 THIS SUBSECTION APPLIES REGARDLESS OF WHETHER THE OTHER PERSON  
4 CONSENTED TO THE POSTING OF THAT PHOTOGRAPH, DRAWING, OR OTHER  
5 VISUAL IMAGE UNLESS THAT OTHER PERSON KNEW OR HAD REASON TO KNOW  
6 THE PHOTOGRAPH, DRAWING, OR OTHER VISUAL IMAGE WAS SEXUALLY  
7 EXPLICIT AND SIGNED A RELEASE KNOWINGLY ALLOWING THAT PHOTOGRAPH,  
8 DRAWING, OR OTHER VISUAL IMAGE TO BE POSTED ON THE INTERNET BY THAT  
9 PERSON.

10 (2) IT IS AN AFFIRMATIVE DEFENSE IN A PROSECUTION FOR A  
11 VIOLATION OF SUBSECTION (1) THAT THE PERSON TOOK ALL REASONABLE  
12 STEPS TO HAVE THE PHOTOGRAPH, DRAWING, OR OTHER VISUAL IMAGE  
13 REMOVED FROM THE INTERNET IMMEDIATELY UPON THE WRITTEN REQUEST OF  
14 THAT OTHER PERSON UNDER SUBSECTION (1) (B) .

15 (3) AS USED IN THIS SECTION, "SEXUALLY EXPLICIT" MEANS  
16 DISPLAYING A PERSON'S GENITALIA OR ANUS OR, IF THE PERSON IS A  
17 FEMALE, HER NIPPLES OR AREOLA.

18 Enacting section 1. This amendatory act takes effect 90 days  
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect  
21 unless Senate Bill No. 925

22 of the 97th Legislature is enacted into law.