

HOUSE BILL NO. 4535

May 09, 2023, Introduced by Reps. Stone, Brabec, McKinney, Steckloff, Price, Brixie, Scott, Dievendorf, Hood, Hill and Byrnes and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 335b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 335b. (1) An individual who is 18 years of age or older
2 who knowingly transmits, by computer or other electronic means, to
3 the computer or electronic communication device of another
4 individual who is 18 years of age or older a sexually explicit
5 video or image if the recipient has not consented to, or has
6 expressly forbidden receipt of, the sexually explicit video or

1 image is guilty of a misdemeanor punishable by a fine of not more
2 than \$500.00.

3 (2) Regardless of the existence or outcome of any criminal
4 prosecution under this section, the recipient of a sexually
5 explicit video or image transmitted in violation of subsection (1)
6 may bring a civil cause of action against the individual who
7 commits the offense to secure an injunction, actual damages,
8 including damages for emotional distress, or other appropriate
9 relief. A plaintiff who prevails in a civil action brought under
10 this section may recover both of the following:

11 (a) Actual damages described in this subsection or \$500.00,
12 whichever is greater.

13 (b) Reasonable attorney fees and costs.

14 (3) As used in this section:

15 (a) "Nudity" means displaying an individual's genitalia or
16 anus or, if the individual is a female, her nipples or areola.

17 (b) "Sexually explicit video or image" means a video or
18 photograph that depicts nudity, erotic fondling, sexual
19 intercourse, or sadomasochistic abuse.

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