



Ohio Revised Code

Section 2917.211 Dissemination of image of another person.

Effective: March 22, 2019

Legislation: House Bill 497 - 132nd General Assembly

(A) As used in this section:

(1) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

(2) "Image" means a photograph, film, videotape, digital recording, or other depiction or portrayal of a person.

(3) "Interactive computer service" has the meaning defined in the "Telecommunications Act of 1996," 47 U.S.C. 230, as amended.

(4) "Internet provider" means a provider of internet service, including all of the following:

(a) Broadband service, however defined or classified by the federal communications commission;

(b) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996," 47 U.S.C. 153, as amended;

(c) Internet protocol-enabled services, as defined in section 4927.01 of the Revised Code.

(5) "Mobile service" and "telecommunications carrier" have the meanings defined in 47 U.S.C. 153, as amended.

(6) "Cable service provider" has the same meaning as in section 1332.01 of the Revised Code.

(7) "Direct-to-home satellite service" has the meaning defined in 47 U.S.C. 303, as amended.

(8) "Video service provider" has the same meaning as in section 1332.21 of the Revised Code.



(9) "Sexual act" means any of the following:

(a) Sexual activity;

(b) Masturbation;

(c) An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;

(d) Sado-masochistic abuse.

(B) No person shall knowingly disseminate an image of another person if all of the following apply:

(1) The person in the image is eighteen years of age or older.

(2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.

(3) The person in the image is in a state of nudity or is engaged in a sexual act.

(4) The image is disseminated without consent from the person in the image.

(5) The image is disseminated with intent to harm the person in the image.

(C) This section does not prohibit the dissemination of an image if any of the following apply:

(1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.

(2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.

(3) The image is part of a news report or commentary or an artistic or expressive work, such as a



performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.

(4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.

(5) The image is disseminated for another lawful public purpose.

(6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.

(7) The image is disseminated for the purpose of medical treatment or examination.

(D) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:

(1) A provider of interactive computer service;

(2) A mobile service;

(3) A telecommunications carrier;

(4) An internet provider;

(5) A cable service provider;

(6) A direct-to-home satellite service;

(7) A video service provider.

(E) Any conduct that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.



(F)(1)(a) Except as otherwise provided in division (F)(1) (b), (c), or (d) of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.

(d) If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.

(2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Chapter 2981. of the Revised Code:

(a) Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

(b) Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled, or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(G) A victim of a violation of this section may commence a civil cause of action against the offender, as described in section 2307.66 of the Revised Code.