

31 **78B-6-2705**, Utah Code Annotated 1953
 32 **78B-6-2706**, Utah Code Annotated 1953
 33 **78B-6-2707**, Utah Code Annotated 1953
 34 **78B-6-2708**, Utah Code Annotated 1953
 35 **78B-6-2709**, Utah Code Annotated 1953

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37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **78B-6-2701** is enacted to read:

39 **Part 27. Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act**

40 **78B-6-2701 . Definitions for part.**

41 As used in this part:

- 42 (1) "Consent" means affirmative, conscious, and voluntary authorization by an individual
 43 with legal capacity to give authorization.
- 44 (2) "Depicted individual" means an individual whose body is shown in whole or in part in
 45 an intimate image.
- 46 (3) "Disclose" means to transfer, publish, or distribute to another person.
- 47 (4) "Disclosure" means transfer, publication, or distribution to another person.
- 48 (5) "Identifiable" means recognizable by a person other than the depicted individual:
 49 (a) from an intimate image; or
 50 (b) from an intimate image and identifying characteristic displayed in connection with
 51 the intimate image.
- 52 (6) "Identifying characteristic" means information that may be used to identify a depicted
 53 individual.
- 54 (7) "Individual" means a human being.
- 55 (8) "Intimate image" means a photograph, film, video recording, or other similar medium
 56 that shows:
 57 (a) the uncovered genitals, pubic area, anus, or female post-pubescent nipple of a
 58 depicted individual; or
 59 (b) a depicted individual engaging in or being subjected to sexual conduct.
- 60 (9) "Person" means an individual, estate, business or nonprofit entity, public corporation,
 61 government or governmental subdivision, agency, instrumentality, or other legal entity.
- 62 (10) "Sexual conduct" includes:
 63 (a) masturbation;
 64 (b) genital, anal, or oral sex;

- 65 (c) sexual penetration of, or with, an object;
66 (d) bestiality; or
67 (e) the transfer of semen onto a depicted individual.

68 Section 2. Section **78B-6-2702** is enacted to read:

69 **78B-6-2702 . Civil action.**

70 (1) As used in this section:

71 (a) "Harm" includes:

72 (i) physical harm;

73 (ii) economic harm; or

74 (iii) emotional distress, whether or not accompanied by physical or economic harm.

75 (b) "Private" means:

76 (i) created or obtained under circumstances in which a depicted individual had a
77 reasonable expectation of privacy; or

78 (ii) made accessible through:

79 (A) theft, bribery, extortion, fraud, false pretenses, or voyeurism; or

80 (B) exceeding authorized access to an account, message, file, device, resource, or
81 property.

82 (2) Except as provided in Section 78B-6-2703, a depicted individual who is identifiable and
83 who suffers harm from a person's intentional disclosure or threatened disclosure of an
84 intimate image that was private without the depicted individual's consent has a right of
85 action against the person if the person knew:

86 (a) the depicted individual did not consent to the disclosure;

87 (b) the intimate image was private; and

88 (c) the depicted individual was identifiable.

89 (3) The following conduct by a depicted individual does not, by the conduct alone, establish
90 that the individual consented to the disclosure of the intimate image that is the subject of
91 an action under this part or that the individual lacked a reasonable expectation of privacy:

92 (a) consent to creation of the image; or

93 (b) previous consensual disclosure of the image.

94 (4) A depicted individual who does not consent to the sexual conduct or uncovering of the
95 part of the body depicted in an intimate image of the individual retains a reasonable
96 expectation of privacy even if the image was created when the individual was in a public
97 place.

98 Section 3. Section **78B-6-2703** is enacted to read:

99 **78B-6-2703 . Exceptions to liability.**

- 100 (1) As used in this section:
- 101 (a) "Child" means an unemancipated individual who is younger than 18 years old.
- 101a **§→ (b) "Online service provider" means an internet service provider, search**
- 101b **engine, or cloud service provider, including an affiliate or subsidiary of an internet**
- 101c **service provider, search engine, or cloud service provider.**
- 102 [~~(b)~~] (c) **←§** "Parent" means an individual who has a parent-child relationship, as
- 102a defined in
- 103 Section 81-5-102, with the child.
- 104 (2) A person is not liable under this part if the person proves that disclosure of, or a threat
- 105 to disclose, an intimate image was:
- 106 (a) made in good faith as part of:
- 107 (i) law enforcement activity;
- 108 (ii) a legal proceeding; or
- 109 (iii) medical education or treatment;
- 110 (b) made in good faith in the reporting or investigation of:
- 111 (i) unlawful conduct; or
- 112 (ii) unsolicited and unwelcome conduct;
- 113 (c) related to a matter of public concern or public interest; or
- 114 (d) reasonably intended to assist the depicted individual.
- 115 (3) Subject to Subsection (4), a defendant who is a parent, legal guardian, or individual with
- 116 legal custody of a child is not liable under this part for a disclosure or threatened
- 117 disclosure of an intimate image of the child.
- 118 (4) If a defendant asserts an exception to liability under Subsection (3), the exception does
- 119 not apply if the plaintiff proves the disclosure was:
- 120 (a) prohibited by law other than this part; or
- 121 (b) made for the purpose of sexual arousal, sexual gratification, humiliation,
- 122 degradation, or monetary or commercial gain.
- 122a **§→ (5) An online service provider is not liable under this part solely for providing**
- 122b **access to, transmitting, downloading, storing, or connecting a user to an intimate image**
- 122c **on the internet or on a facility, system, or network not under the online service provider's**
- 122d **control if the online service provider did not create the intimate image.**
- 123 [~~(5)~~] (6) **←§** Disclosure of, or a threat to disclose, an intimate image is not a matter of
- 123a public concern

124 or public interest solely because the depicted individual is a public figure.

125 Section 4. Section **78B-6-2704** is enacted to read:

126 **78B-6-2704 . Plaintiff's privacy.**

127 In an action under this part:

128 (1) the court may exclude or redact from all pleadings and documents filed in the action
129 other identifying characteristics of the plaintiff;

130 (2) a plaintiff to whom Subsection (1) applies shall file with the court and serve on the
131 defendant a confidential information form that includes the plaintiff's excluded or
132 redacted name and other identifying characteristics; and

133 (3) the court may make further orders as necessary to protect the identity and privacy of a
134 plaintiff.

135 Section 5. Section **78B-6-2705** is enacted to read:

136 **78B-6-2705 . Remedies.**

137 (1) In an action under this part, a prevailing plaintiff may recover:

138 (a) the greater of:

139 (i) economic and noneconomic damages proximately caused by the defendant's
140 disclosure or threatened disclosure, including damages for emotional distress,
141 whether or not accompanied by other damages; or

142 (ii) statutory damages not to exceed \$10,000 against each defendant found liable
143 under this part for all disclosures and threatened disclosures by the defendant of
144 which the plaintiff knew or reasonably should have known when filing the action
145 or which became known during the pendency of the action;

146 (b) an amount equal to any monetary gain made by the defendant from disclosure of the
147 intimate image; and

148 (c) punitive damages.

149 (2) In determining the amount of statutory damages under Subsection (1)(a)(ii), the trier of
150 fact shall consider:

151 (a) the age of the parties at the time of the disclosure or threatened disclosure;

152 (b) the number of disclosures or threatened disclosures made by the defendant;

153 (c) the breadth of distribution of the image by the defendant; and

154 (d) other exacerbating or mitigating factors.

155 (3) In an action under this part, the court may award a prevailing plaintiff:

156 (a) reasonable attorney fees and costs; and

157 (b) additional relief, including injunctive relief.

158 (4) This part does not affect a right or remedy available under a law of this state other than
159 this part.

160 Section 6. Section **78B-6-2706** is enacted to read:

161 **78B-6-2706 . Statute of limitations.**

162 (1) An action under Section 78B-6-2702 for:

163 (a) an unauthorized disclosure may not be brought later than four years after the day on
164 which the disclosure was discovered or should have been discovered with the
165 exercise of reasonable diligence; and

166 (b) a threat to disclose may not be brought later than four years after the day on which
167 the threat was disclosed.

168 (2) This section is subject to the tolling provisions described in Chapter 2, Part 1, General
169 Provisions and Special Actions.

170 Section 7. Section **78B-6-2707** is enacted to read:

171 **78B-6-2707 . Construction.**

172 (1) This part shall be construed in accordance with the Communications Decency Act of
173 1996, 47 U.S.C. Sec. 230.

174 (2) This part may not be construed to alter the law of this state on governmental immunity.

175 Section 8. Section **78B-6-2708** is enacted to read:

176 **78B-6-2708 . Uniformity of application and construction.**

177 In applying and construing this part, consideration must be given to the need to promote
178 uniformity of the law with respect to the uniform law's subject matter among states that enact
179 the uniform law.

180 Section 9. Section **78B-6-2709** is enacted to read:

181 **78B-6-2709 . Severability.**

182 If a provision of this part or the application of this part to a person or circumstance is
183 held invalid, the invalidity does not affect another provision or application that can be given
184 effect without the invalid provision or application.

185 Section 10. **Effective Date.**

186 This bill takes effect on May 6, 2026.