

A SENATE BILL FOR AN ACT

To amend the Chuuk State Criminal Code (TSL No. 6-66), as amended, by inserting a new Section 420, and for other purposes.

Be it enacted by the Chuuk State Legislature:

1 **Section 1. Amendment.** A new Section 420 is hereby inserted in the TSL No. 6-
2 66, as amended is hereby amended to read as follows:

3 “Section 420, Unlawful transmission, dissemination, distribution or
4 publication of a private image. Any person who commits any of the following acts
5 is guilty of invasion of privacy:

6 (1) Definitions.

7 (a) “Intimate parts” is define as any portion of the genitals, the buttocks, anus
8 and traditionally, in the case of a female, any portion of the breasts below
9 the top of the areola that is either uncovered or clearly visible through
10 clothing.

11 (b) “Sexual activity” means any act of sexual intercourse, including but not
12 limited to Sodom y, cunnilingus, fellatio, sexual penetration, masturbation
13 or genitalia exposure.

14 (2) A person commits the crime unlawful transmission, dissemination, distribution
15 or publication or a private image if he or she knowingly posts, displays, texts,
16 advertises, sends, offers or otherwise distributes or disseminates an image
17 picture, photograph or motion picture, digital recording or video of another
18 state of full or partial nudity or engaged in any sexual activity when:

19 (a) The depicted person has not consented to the transmission, publication,
20 distribution, reproduction or dissemination of such image, or

21 (b) The depicted person had a reasonable expectation of privacy against
22 transmission, publication, posting or distribution of the private image, or

1 (c) The actor had the intent to harass, blackmail, threaten, coerce or intimidate
2 the depicted person or persons using the said image, picture, photograph or
3 motion picture, digital recording or video of depicted person(s).

4 (3) Neither of the following is a defense to the crime specified above:

5 (a) The defendant was a person known to the victim.

6 (b) The victim was in a state of partial undress.

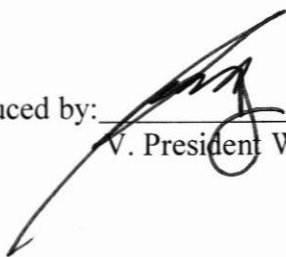
7 (c) The depicted person consented to the taking of the photograph, visual
8 image, motion picture or video capture.

9 (4) Any person who uses a concealed camcorder, motion picture camera, or
10 photographic camera of any type, to secretly videotape, film, photograph or
11 record, by electronic means, another person who may be in a state of full or
12 partial undress, without the consent or knowledge of that other person, in the
13 interior of a bedroom, bathroom/restroom, changing room, fitting room,
14 shower room or any interior of any area or any other area in which that other
15 person.

16 (5) Any person convicted for any crime of Invasion of Privacy shall punished by
17 mandatory imprisonment in jail or not less than five (5) years or \$5,000.00, or
18 both.

19 **Section 2. Effective Date.** This Act shall take effect upon approval by the
20 Governor, or upon its becoming law without such approval.

Date: 05 MAY 26 20

Introduced by:  _____
V. President Wisney Nakayama