**South Carolina General Assembly**

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**S. 72**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Currently residing in the Senate Committee on **Judiciary**

Summary: Distribution of Intimate Images

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=72&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/72_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-330 SO AS TO PROVIDE DEFINITIONS RELATING TO THE DISTRIBUTION OF INTIMATE IMAGES; BY ADDING SECTION 16-15-332 SO AS TO MAKE IT UNLAWFUL FOR A PERSON TO INTENTIONALLY DISSEMINATE AN INTIMATE IMAGE OR A DIGITALLY FORGED INTIMATE IMAGE OF ANOTHER PERSON WITHOUT EFFECTIVE CONSENT OF THE DEPICTED PERSON; AND BY ADDING SECTION 16-15-333 SO AS TO PROVIDE A PENALTY FOR THE UNLAWFUL DISSEMINATION OF INTIMATE IMAGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 15, Title 16 of the S.C. Code is amended by adding:

 Section 16-15-330. For the purpose of this chapter:

 (1) “Digitally forged intimate image” means any intimate image of an identifiable individual that appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, and that is generated or substantially modified using machine-learning techniques or any other computer-generated or machine-generated means to falsely depict an individual’s appearance or conduct, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

 (2) “Effective consent” means the affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization. The disclosure of the intimate image or digitally forged intimate image by the identifiable individual to another person is not sufficient effective consent under this section.

 (3) “Identifiable individual” means the identity of the depicted person through an intimate image or digitally forged intimate image, or whose identity can be determined through any accompanying or subsequent information or material related to the visual material.

 (4) “Intimate image” means any still or videographic image of an identifiable individual that depicts wholly or partially uncovered genitals, pubic area, anus, or post-pubescent female nipple or areola of an individual, the display or transfer of semen or vaginal secretion, or sexually explicit conduct.

SECTION 2. Chapter 15, Title 16 of the S.C. Code is amended by adding:

 Section 16-15-332. (A) A person who intentionally disseminates an intimate image or a digitally forged intimate image of another person without the effective consent of the depicted person is guilty of the unauthorized disclosure of intimate images. A person intentionally disseminates an intimate image or a digitally forged intimate image if he has knowledge that the image was obtained or created under circumstances where he knew or reasonably should have known the person depicted had a reasonable expectation of privacy.

 (B) Dissemination of multiple intimate images or digitally forged intimate images of the same individual may be considered separate and distinct offenses.

 (C) The provisions of this section shall not apply to any intimate image or digitally forged intimate image created by law-enforcement pursuant to a criminal investigation which is otherwise lawful.

 (D) Intimate images or digitally forged intimate images can not be duplicated for the purpose of criminal discovery requests and motions.

SECTION 3. Chapter 15, Title 16 of the S.C. Code is amended by adding:

 Section 16-15-333. (A) A person who violates Section 16-15-332(A) is guilty of a felony and must be sentenced to a fine not to exceed five thousand dollars or imprisonment not to exceed five years or both. For a second and subsequent offense, the person is guilty of a felony and must be sentence to a fine not to exceed ten thousand dollars or imprisonment not less than one year nor more than ten years, or both.

 (B) A person charged under this section may also be charged under any other applicable section.

SECTION 4. This act takes effect upon approval by the Governor.

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