

Appendix 4

Key features of Overseas Legislation

	Conduct	Fault element	Applies to offline conduct	Maximum imprisonment
United Kingdom	<i>England & Wales</i> Disclosing a private sexual photo/film without consent	<i>England & Wales</i> Intent to cause distress	<i>England & Wales</i> ✓	<i>England & Wales</i> Two years
NB. Scotland's legislation introduced but not yet passed	<i>Scotland</i> Disclosing/threatening to disclose an intimate photo/film without consent	<i>Scotland</i> Intent to cause fear/alarm/distress or reckless as to whether the victim will be caused fear/alarm/distress	<i>Scotland</i> ✓	<i>Scotland</i> Five years
United States	<i>Federal</i> Reproducing/distributing/exhibiting/publishing/transmitting/otherwise disseminating a nude/sexually explicit image without consent	<i>Federal</i> Knows/should have known that such conduct would likely cause emotional distress to a reasonable person if that person were so depicted	<i>Federal</i> ✓	<i>Federal</i> Five years
NB. Federal legislation drafted but not yet introduced	<i>Illinois</i> Non-consensual dissemination of private sexual images	<i>Illinois</i> Knows/should have known that the person in the image has not consented to the dissemination	<i>Illinois</i> ✓	<i>Illinois</i> Three years
	<i>California</i> Distributing intimate/sexual images where the person depicted suffers serious emotional distress	<i>California</i> Knows/should know that distribution of the image will cause serious emotional distress	<i>California</i> ✓	<i>California</i> Six months
Canada	Publishing an intimate image without consent	Being reckless as to whether or not that person gave their consent	✓	Five years
New Zealand	Posting an intimate visual recording which causes serious emotional distress to the victim and would cause such harm to an ordinary reasonable person in the position of the victim	Intent to cause serious emotional distress	✗	Two years

