

**UPDATED SUMMARY  
HOUSE BILL 14-1378**

**Second Regular Session - Sixty-ninth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

The bill makes it a crime for a person 18 years of age or older, with the intent to ~~cause serious~~ *harass or humiliate which causes* emotional distress, *or for extortion purposes, or for pecuniary gain*, to post or add to a post, ~~or otherwise distribute~~ *which is then distributed* through the use of social media, any photograph, video, or other image containing the intimate parts of an identified or identifiable person 18 years of age or older, without the depicted person's consent, after the depicted person communicated to the actor an expectation that the image would remain private, *or when the depicted person otherwise had a reasonable expectation that the image would remain private*, and such conduct results in ~~serious~~ *emotional distress, extortion, or pecuniary gain*. The crime is a class 1 misdemeanor. In addition to any other sentence, the court shall impose a fine of ~~at least~~ *up to* \$10,000 and order the image removed from the internet. *It is an exception to the crime if the image is related to a newsworthy event. The bill provides immunity to internet service providers.*

*The bill creates a private civil right of action for a violation of the crime with damages of \$10,000 or actual damages, whichever is greater, and attorney's fees and costs. A person whose private images have been posted in accordance with the bill shall retain a protectable right of authorship regarding the commercial use of the private image.*

A person convicted of the crime may apply to have the conviction record sealed if he or she has not been convicted of another crime in 5 years after the completion of his or her sentence.