

CCRI Model Federal Law

Whoever knowingly uses the mail, any interactive computer service, electronic communication service, electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to distribute a visual depiction of a person who is identifiable from the image itself or information displayed in connection with the image and who is engaging in sexually explicit conduct, or whose naked genitals or post-pubescent female nipple are exposed, with knowledge of or reckless disregard for the fact that the depicted person did not consent to the distribution, shall be fined under this title or imprisoned not more than __ years, or both.

A. Exceptions.

- 1) This section does not apply to a visual depiction of a voluntary exposure of an individual's own naked genitals or post-pubescent female nipple or an individual's voluntary engagement in sexually explicit conduct, if such exposure takes place in public or in a lawful commercial setting.
- 2) This section shall not apply to disclosures made in the public interest, including but not limited to the reporting of unlawful conduct, or the lawful and common practices of law enforcement, criminal reporting, legal proceedings, or medical treatment.

B. Telecommunications and Internet Service Providers.

This section shall not apply to any provider of an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230 (f)(2)) with regard to content provided by another information content provider, as defined in section 230(f)(3) of the Communications Act of 1934 (47 U.S.C. 230(f)(3)) unless such provider intentionally promotes or solicits content that it knows to be in violation of this section.

C. Definitions

- 1) Except as otherwise provided, any term used in this section has the meaning given that term in section 1801.
- 2) The term "visual depiction" has the meaning given that term in section 2256.
- 3) The term "sexually explicit conduct" has the meaning given that term in section 2256(2)(A).

D. Severability.

- 1) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.