

## **What is Revenge Porn?**

It is the criminalization of the posting or sharing of (sexually explicit) private images or video publically shared over the Internet of an individual over the age of 18 without their consent. This includes posting or distributing the images on any media site or any other web site with the intent to harass, humiliate, cause serious emotional distress, or intimidate the person depicted in the picture or video. This can also include any picture or video in which the victim was unaware they were being photographed or filmed. Revenge Porn is defined by the Colorado Revised Statutes (C.R.S.) as these two crimes:

**Posting a Private Image for Harassment. C.R.S. 18-7-107.** A person commits a crime when he or she posts or publishes a private image for harassment if he or she posts or distributes through the use of social media or any web site any photograph, video, or other image displaying the private intimate parts of an identified or identifiable person 18 years of age or older: with the intent to harass the depicted person and inflict serious emotional distress upon the depicted person; without the depicted person's consent; or when the actor knew or should have known that the depicted person had a reasonable expectation that the image would remain private; and the conduct results in serious emotional distress of the depicted.

### **AND**

**Posting a Private Image for Pecuniary (monetary) Gain. (C.R.S.) 18-7-108.** A person who is 18 years of age or older commits the offense of posting a private image for pecuniary (monetary) gain if he or she posts or distributes through social media or any web site any photograph, video, or other image displaying the private intimate parts of an identified or identifiable person eighteen years of age or older: with the intent to obtain a pecuniary benefit from any person as a result of the posting, viewing, or removal of the private image; and when the actor has not obtained the depicted person's consent; or when the actor knew or should have known that the depicted person had a reasonable expectation that the image would remain private.

These crimes are defined as Class 1 Misdemeanors and the court shall fine the defendant up to \$10,000. Along with any other sentence the court may impose; upon conviction, the court must order the defendant or the entity where the photos are posted or published to remove the photographs from the Internet.

Victims of the crime of Posting a Private Image for Pecuniary (monetary) Gain may seek civil remedies that include actual damages as a result of the posting of their private image and reasonable attorney's fees and costs.