

OFFICE OF OPERATIONS

NOTICE
11.2

January 4, 2023

TO: All Office of Operations Personnel

FROM: Director, Office of Operations

SUBJECT: SENATE BILL 1081 – DISORDERLY CONDUCT: PEEPING,
RECORDING AND DISTRIBUTION OF INTIMATE IMAGES

The purpose of this Notice is to provide awareness relative to Senate Bill (SB) 1081 – *Disorderly Conduct: Peeping, Recording and Distribution of Intimate Images* and identifies the amendments to Penal Code (PC) section 647(j)(4). On September 30, 2022, Governor Newsom signed SB 1081 into law, effective January 1, 2023.

The PC section 647(j) pertains to “revenge porn,” which makes it unlawful to distribute, or cause to distribute, intimate images of another identifiable person without their consent. The SB 1081 amends PC section 647(j)(4) by redefining the definition of “distribute” and clarifying the definition of “identifiable.”

Specifically, a person intentionally distributes an intimate image when that person directly posts, publishes, disseminates, facilitates the viewing or otherwise shares the image. A person intentionally causes an intimate image to be distributed when that person arranges, specifically requests, or intentionally causes another person to distribute the image. “Distribute” includes exhibiting in public or giving possession.

Additionally, “identifiable” refers to the capability of being identified or recognized by an individual, including the victim; however, it does not require the victim’s identity to be established.

Finally, SB 1081 provides that it shall not be a violation of the law if the distribution is related to a matter of public concern or public interest. Nevertheless, distribution is not a matter of public concern or public interest solely because the depicted individual is a public figure.

Note: Specifically, SB 53 – *Unsolicited Images*, effective January 1, 2023, adds Civil Code section 1708.88, to provide for a civil cause of action against any adult person who knowingly sends an unsolicited image by electronic means depicting obscene material. Officers may so advise the affected person(s) of this option.

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If you have any questions or require additional information, please contact the Evaluation and Administration Unit, Office of Operations, at (213) 486-6050.

A handwritten signature in blue ink, appearing to read "Roberto", with a horizontal line extending to the right.

ROBERT E. MARINO, Assistant Chief
Director, Office of Operations

DISTRIBUTION "D"