

# NEW REPUBLIC



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## Is Revenge Porn Legal in Your State?

Based on this map, it probably is

By [Rebecca Leber](#)

Photo: Jason Merritt/Getty Images

**M**any women in America can relate, to some degree, with Jennifer Lawrence, Kate Upton, and the dozens of other female celebrities whose nude photos were reportedly [stolen](http://www.newrepublic.com/article/119299/nude-leak-upton-lawrence-reveal-privacy-flaws) - <http://www.newrepublic.com/article/119299/nude-leak-upton-lawrence-reveal-privacy-flaws> - from Apple's iCloud and distributed online. That's because an untold number of women every year are victims of revenge porn—when an ex-partner posts a sexually explicit photo or video online without the person's consent. But whereas what was done to the celebrities was clearly against the law, revenge porn is still legal in most of the country.

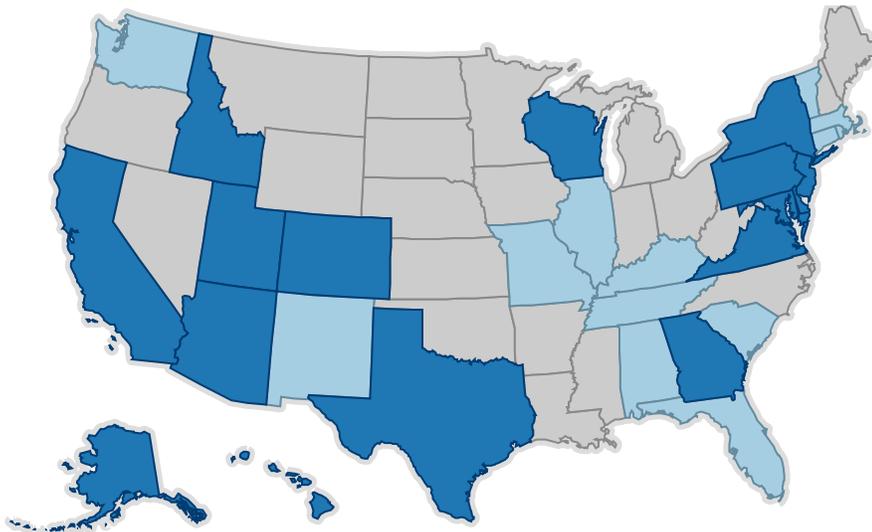
Since 2013, amid a growing movement to criminalize the online harassment, 13 states have passed laws that specifically ban revenge porn, according to the [National Conference of State Legislatures](http://www.ncsl.org/research/telecommunications-) - <http://www.ncsl.org/research/telecommunications->

and-information-technology/state-revenge-porn-legislation.aspx - . Based on a separate analysis from cyber-harassment legal experts [Danielle Citron](#) and [Mary Anne Franks](#) - [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2368946](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2368946) - , three other states—Texas, Alaska, and New Jersey—have broad privacy laws that encompass revenge porn.

## Is revenge porn illegal in your state?

Bills on revenge porn passed or introduced from 2013-2014. \*Texas, New Jersey and Alaska had broader laws passed before 2013.

■ Passed ■ Introduced ■ No bill



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Source: [National Conference of State Legislators](#), [Get the data](#)

In states where revenge porn isn't a crime, victims tend to have fewer legal options. It is more difficult, if not impossible, to have those photos taken down from websites. The guilty, meanwhile, escape criminal prosecution under existing anti-harassment laws. For example, as Citron mentions in an article at [Slate](#) - [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2013/11/making\\_revenge\\_porn\\_a\\_crime\\_without\\_trampling\\_free\\_speech.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2013/11/making_revenge_porn_a_crime_without_trampling_free_speech.html) - , Florida authorities last year told a woman they couldn't justify a warrant to search her ex-boyfriend's computer even though he was the primary suspect; he had claimed he was hacked, and the case ended there. Would a stricter law have compelled law enforcement to act? Maybe. The wording of the law matters a lot, too: California had to revise its law in late August to [extend the ban to sharing someone else's explicit selfie](#) - <http://www.washingtonpost.com/blogs/govbeat/wp/2014/08/27/californias->

revenge-porn-law-which-notoriously-didnt-include-selfies-now-will/ - .

But even if states take action, these laws aren't enough. Section 230 of the 1996 Communications Decency Act grants immunity to message-board owners and social behemoths like Facebook from being punished for what their users do with the platform. Anti-harassment advocates say Section 230 has allowed the proliferation of revenge porn sites; the [Electronic Frontier Foundation](https://www.eff.org/issues/bloggers/legal/liability/230) - <https://www.eff.org/issues/bloggers/legal/liability/230> - counters that reform would endanger Internet users' First Amendment rights. "A federal law means that a revenge porn site claiming to merely provide a platform for angry exes to upload sexually explicit images of their former partners will not be able to hide behind Section 230," Franks told [Gawker](http://gawker.com/the-case-for-making-revenge-porn-a-federal-crime-1552861507) - <http://gawker.com/the-case-for-making-revenge-porn-a-federal-crime-1552861507> - .

Democratic Rep. Jackie Speier said she will [introduce a bill in Congress](http://www.nationaljournal.com/politics/why-congress-won-t-help-jennifer-lawrence-20140902) - <http://www.nationaljournal.com/politics/why-congress-won-t-help-jennifer-lawrence-20140902> - . Of course, this is the same Congress that can't agree on a bill against military sexual assault, so for the foreseeable future it probably will be up to states to deal with the problem of revenge porn.