



JOHN SPIROS

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Testimony on Assembly Bill 462

First, allow me to begin by thanking the committee members for the opportunity to speak today in favor of Assembly Bill 462, the Individual Privacy Protection Act.

AB 462 seeks to modernize Wisconsin's law to include new technology that makes it easier than ever to disseminate images, making private moments public. These images, taken on a whim, can have lasting consequences for the victim. Consenting to an image being taken is *not* the same thing as consenting to an image being *distributed*. Currently, Wisconsin law only protects a person who did not know or consent to their image being taken, and this needs to change.

Several high profile cases have illustrated the devastating effects having these images posted online can have. People have had to defend their professional licenses, been the victims of stalking and in several tragic cases, have committed suicide due to the harassment they faced as a result of their private images being publicized. As smart phones make it easier to take pictures and videos and upload directly to the internet, this has become a growing problem that we need to address *before* we have a suicide fatality here in Wisconsin.

This bill not only gives victims recourse should their privacy be violated, but it will also serve as a deterrent to those who could otherwise post private images with impunity. This bill creates an exemption for reporting a crime and criminal proceedings and still allows for consensual and commercial distribution of images.

When drafting this bill, my office worked extensively with Mary Anne Franks, an Associate Professor of Law at the University of Miami and an expert on non-consensual pornography. I also heard from a victim in Texas who was forced to change her name and job after her personal information, including name and address, were posted with her private photos. She described the fear, the harassment and the anxiety she faced, knowing these photos were out there and that there was nothing she could do to get them back, as well as the betrayal of knowing someone she was close to posted these images without her consent. Currently, only two states prohibit the non-consensual distribution of private images, let's make Wisconsin the third.

Thank you and I would be happy to answer questions at this time.



Testimony of Rep. LaTonya Johnson on Assembly Bill 462

Thank you, Chairman Kleefisch, for holding a hearing on this important bill. I would like to echo the comments of Rep. Spiros, and add the reasons why I believe we need legislation to outlaw so-called “revenge porn.”

I see this phenomenon as a 21st Century version of domestic violence. With the click of a button, an angry ex can cause immeasurable reputational harm and emotional distress to someone who once trusted them. And because of the nature of the internet, once that image is out there, it can spread around the world in an instant, and such disclosures will oftentimes be outside the reach of our legal system to undo.

This is why I believe that providing a criminal deterrent for dissemination of unauthorized explicit photos will be the best way to prevent these disclosures from happening in the first place. If it is illegal, a jilted boyfriend or girlfriend may think twice before lashing out at a former loved one, and websites which actively solicit these kinds of intimate disclosures and trade on people’s public humiliation and embarrassment will no longer have a viable business model.

I think that AB 462 is a proportional response to a growing problem, and I hope Wisconsin will help lead the way in preventing future victims of these vengeful disclosures.

Thank you.