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Testimony on SB 367/AB 462

First, allow me to begin by thanking the committee members for the opportunity to speak today in favor of Senate Bill 367, the Individual Privacy Protection Act.

SB 367 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 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. Since this bipartisan bill was introduced, my office has been contacted by victims throughout the country explaining how their lives have been affected by the dissemination of their private photos. Some were published by jilted former lovers, others whose phones were stolen or computers hacked. The companion to this bill recently passed the Assembly by a voice vote. 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.