

115TH CONGRESS
1ST SESSION

S. 1346

To amend the Uniform Code of Military Justice to prohibit the nonconsensual distribution of private sexual images and to prohibit harassment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2017

Ms. WARREN (for herself and Mr. SULLIVAN) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to prohibit the nonconsensual distribution of private sexual images and to prohibit harassment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Service-
5 members Online Act of 2017”.

1 **SEC. 2. PROHIBITION ON NONCONSENSUAL DISTRIBUTION**
 2 **OF PRIVATE SEXUAL IMAGES.**

3 (a) PROHIBITION.—Section 920c of title 10, United
 4 States Code (article 120c of the Uniform Code of Military
 5 Justice), is amended—

6 (1) by redesignating subsection (d) as sub-
 7 section (e); and

8 (2) by inserting after subsection (c) the fol-
 9 lowing new subsection (d):

10 “(d) NONCONSENSUAL DISTRIBUTION OF PRIVATE
 11 SEXUAL IMAGES.—

12 “(1) IN GENERAL.—Any person subject to this
 13 chapter who—

14 “(A) knowingly broadcasts or distributes a
 15 visual image of another person who—

16 “(i) is at least 18 years of age;

17 “(ii) is identifiable from the image
 18 itself or from information displayed in con-
 19 nection with the image;

20 “(iii) is engaged in a sexual act or ex-
 21 poses a private area; and

22 “(iv) had a reasonable expectation of
 23 privacy in the conduct depicted on the
 24 image;

25 “(B) knows that the image was to remain
 26 private;

1 “(C) knows that the person depicted in the
 2 image has not consented to the broadcast or
 3 distribution; and

4 “(D) broadcasts or distributes the image
 5 with the intent to harm, harass, intimidate, or
 6 coerce the person depicted in the image;

7 is guilty of an offense under this subsection and shall be
 8 punished as a court-martial may direct.

9 “(2) CONSTRUCTION OF CERTAIN BROADCAST
 10 OR DISTRIBUTION.—The broadcast or distribution
 11 by a person of a visual image of the person to one
 12 other particular person shall not, by itself, constitute
 13 consent for the broadcast or distribution of the vis-
 14 ual image by that particular person to any other
 15 person or persons for purposes of this subsection.”.

16 (b) EFFECTIVE DATE.—The amendments made by
 17 subsection (a) shall apply to offenses committed on or
 18 after the date of the enactment of this Act.

19 **SEC. 3. PROHIBITION ON HARASSMENT.**

20 (a) PUNITIVE ARTICLE.—

21 (1) IN GENERAL.—Subchapter X of chapter 47
 22 of title 10, United States Code (the Uniform Code
 23 of Military Justice), is amended by inserting after
 24 section 917 (article 117) the following new section
 25 (article):

1 **“§ 917a. Art. 117a. Harassment**

2 “(a) IN GENERAL.—Any person subject to this chap-
3 ter who—

4 “(1) intentionally engages in a course of con-
5 duct, including broadcast or transmission by elec-
6 tronic means, with the intent to cause harm through
7 directing harassing communications at one or more
8 specific other persons; and

9 “(2) causes harm to the other person or per-
10 sons, or to the military unit of the other person or
11 persons, by the harassing communication;

12 is guilty of an offense under this section and shall be pun-
13 ished as a court-martial may direct.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘course of conduct’ means a pat-
16 tern of conduct consisting of two or more acts di-
17 rected to a specific person or persons and evidencing
18 a continuity of purpose.

19 “(2) The term ‘harassing communication’
20 means a communication that—

21 “(A) seriously intimidates or harasses an-
22 other person or persons;

23 “(B) would cause a reasonable person to
24 suffer substantial emotional distress; and

25 “(C) serves no military purpose.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of subchapter X of chapter 47
 3 of such title is amended by inserting after the item
 4 relating to section 917 (article 117) the following
 5 new item:

“917a. 117a. Harassment.”.

6 (b) COORDINATION WITH UCMJ REFORM.—

7 (1) IN GENERAL.—Effective as of the effective
 8 date of the amendments made by division E of the
 9 National Defense Authorization Act for Fiscal Year
 10 2017 (Public Law 114–328), as provided in section
 11 5542(a) of that Act, and immediately after the com-
 12 ing into effect of such amendments, subchapter X of
 13 chapter 47 of title 10, United States Code (the Uni-
 14 form Code of Military Justice), is further amend-
 15 ed—

16 (A) by transferring section 917a (article
 17 117a), as added by subsection (a), to appear
 18 after section 915 (article 115), as amended by
 19 section 5427 of the National Defense Author-
 20 ization Act for Fiscal Year 2017; and

21 (B) by redesignating such section (article),
 22 as so transferred, as section 915a (article
 23 115a).

24 (2) CLERICAL AMENDMENTS.—Effective as of
 25 the effective date provided in paragraph (1), the

1 table of sections at the beginning of subchapter X of
2 chapter 47 of such title, as amended by section 5452
3 of the National Defense Authorization Act for Fiscal
4 Year 2017, is further amended—

5 (A) by inserting after the item relating to
6 section 915 (article 115) the following new
7 item:

“915a. 115a. Harassment.”;

8 and

9 (B) by striking the item relating to section
10 917a (article 117a).

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