

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB24-011 be amended as follows:

1 Amend printed bill, page 8, strike lines 26 and 27 and substitute:

2 "SECTION 5. In Colorado Revised Statutes, 18-7-107, **amend**  
3 (1)(a) introductory portion; and **add** (2.5) as follows:

4 **18-7-107. Posting a private image for harassment - definitions.**

5 (1) (a) An actor who is eighteen years of age or older commits the  
6 offense of posting a private image for harassment if ~~he or she~~ THE ACTOR  
7 posts or distributes through the use of social media or any website any  
8 photograph, video, or other image displaying the REAL OR SIMULATED  
9 private intimate parts of an identified or identifiable person eighteen years  
10 of age or older or an image displaying sexual acts of an identified or  
11 identifiable person:

12 (2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS  
13 SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED  
14 OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR  
15 ALTERED.

16 **SECTION 6.** In Colorado Revised Statutes, 18-7-108, **amend**  
17 (1)(a) introductory portion; and **add** (2.5) as follows:

18 **18-7-108. Posting a private image for pecuniary gain -**

19 **definitions.** (1) (a) An actor who is eighteen years of age or older  
20 commits the offense of posting a private image for pecuniary gain if ~~he~~  
21 ~~or she~~ THE ACTOR posts or distributes through social media or any website  
22 any photograph, video, or other image displaying the REAL OR SIMULATED  
23 private intimate parts of an identified or identifiable person eighteen years  
24 of age or older or an image displaying sexual acts of an identified or  
25 identifiable person:

26 (2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS  
27 SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED  
28 OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR  
29 ALTERED.

30 **SECTION 7.** In Colorado Revised Statutes, 18-7-109, **amend** (8)  
31 introductory portion and (8)(b) as follows:

32 **18-7-109. Posting, possession, or exchange of a private image**  
33 **by a juvenile - definitions - penalties.** (8) As used in this section,  
34 UNLESS THE CONTEXT OTHERWISE REQUIRES:

35 (b) "Sexually explicit image" means any electronic or digital  
36 photograph, video, or video depiction of the REAL OR SIMULATED external  
37 genitalia or perineum or anus or buttocks or pubes of any person or the  
38 REAL OR SIMULATED breast of a female person."

39 Strike pages 9 and 10.

40 Page 11, strike lines 1 and 2.

41 Renumber succeeding section accordingly.

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