

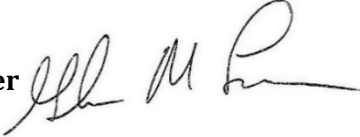
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: October 16, 2024

SUBJECT: Fiscal Impact Statement - Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act of 2024

REFERENCE: Draft Committee Print (B25-484) as provided to the Office of Revenue Analysis on September 26, 2024

Conclusion

Funds are sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill.

Background

The Uniform Law Commission (ULC) is an organization that studies and reviews the laws of the states and the District, identifies areas of inconsistency that impede interstate activity, and develops uniform laws with the goal of adoption by the states (with minimal changes). The District of Columbia Uniform Law Commission, established in 2010 as an independent government entity¹ consists of the District's commissioners to the ULC. In addition to their responsibilities to the ULC, the DC ULC may provide technical input to the Council and the Mayor on the effect adoption of these uniform laws would have on District law. Appointees to the DC ULC must be attorneys in good standing and meet several other criteria.

This bill would adopt a uniform law (currently adopted by nine other states) that codifies civil remedies for nonconsensual pornography. The bill provides a civil cause of action for harm when an individual has been threatened with disclosure of intimate images obtained under circumstances where the individual had a reasonable expectation of privacy. The civil cause of action for harm would

¹ Established by section 2 of the District of Columbia Uniform Law Commission Act of 2010, effective March 12, 2011 (D.C. Law 18-313; D.C. Official Code § 3-1431).

The Honorable Phil Mendelson

FIS: "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act of 2024", Draft Committee Print (B25-484) as provided to the Office of Revenue Analysis on September 26, 2024

also be in order when the disclosure of intimate images occurs without consent. The bill also permits the redaction of identifying information of the plaintiff. The bill would allow plaintiffs to seek recovery of actual economic and noneconomic damages, or \$10,000 against each defendant (whichever is greater), plus punitive damages. There would be a statute of limitations of four years from the threatened or actual disclosure. If the plaintiff was a child at the time of disclosure or threatened disclosure, the four-year statute of limitations begins at age 18. The bill also provides several exceptions from liability if the individual can show that the disclosure of the image was for legitimate medical or scientific purposes, or in pursuit of a legal obligation.

Financial Plan Impact

Funds are sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The bill affects civil suits between private parties so does not have an impact on any District agencies.