

**AMENDMENT TO RULES COMMITTEE PRINT 117-3**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

Page 231, insert after line 17 the following:

1 **SEC. 1411. CERTAIN ACTIVITIES RELATING TO INTIMATE**  
2 **VISUAL DEPICTIONS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Stopping Harmful Image Exploitation and Limiting Dis-  
5 tribution Act of 2021” or the “SHIELD Act of 2021”.

6 (b) **IN GENERAL.**—Chapter 88 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 1802. Certain activities relating to intimate visual**  
10 **depictions**

11 “(a) **DEFINITIONS.**—In this section:

12 “(1) **COMMUNICATIONS SERVICE.**—The term  
13 ‘communications service’ means—

14 “(A) a service provided by a person that is  
15 a common carrier, as that term is defined in  
16 section 3 of the Communications Act of 1934  
17 (47 U.S.C. 153), insofar as the person is acting  
18 as a common carrier;

19 “(B) an electronic communication service,  
20 as that term is defined in section 2510;

1           “(C) an information service, as that term  
2 is defined in section 3 of the Communications  
3 Act of 1934 (47 U.S.C. 153); and

4           “(D) an interactive computer service, as  
5 that term is defined in section 230(f) of the  
6 Communications Act of 1934 (47 U.S.C.  
7 230(f)).

8           “(2) INFORMATION CONTENT PROVIDER.—The  
9 term ‘information content provider’ has the meaning  
10 given that term in section 230(f) of the Communica-  
11 tions Act of 1934 (47 U.S.C. 230(f)).

12           “(3) INTIMATE VISUAL DEPICTION.—The term  
13 ‘intimate visual depiction’ means any visual depic-  
14 tion (as that term is defined in section 2256(5))—

15           “(A) of an individual who is reasonably  
16 identifiable from the visual depiction itself or  
17 information displayed in connection with the  
18 visual depiction;

19           “(B) in which—

20           “(i) the individual has obtained 18  
21 years of age and is engaging in sexually  
22 explicit conduct; or

23           “(ii) the naked genitals, anus, pubic  
24 area or post-pubescent female nipple of the  
25 individual are visible;

1                   “(C) in which the content described in sub-  
2                   paragraph (B) is not simulated; and

3                   “(D) in original or modified format.

4                   “(4) SEXUALLY EXPLICIT CONDUCT.—The term  
5                   ‘sexually explicit conduct’ has the meaning given  
6                   that term in section 2256(2)(A).

7                   “(b) OFFENSE.—Except as provided in subsection  
8 (d), it shall be unlawful to knowingly use any means or  
9                   facility of interstate or foreign commerce to distribute an  
10                  intimate visual depiction of an individual—

11                  “(1) with knowledge of or reckless disregard  
12                  for—

13                  “(A) the lack of consent of the individual  
14                  to the distribution; and

15                  “(B) the reasonable expectation of the in-  
16                  dividual that the depiction would remain pri-  
17                  vate; and

18                  “(2) without an objectively reasonable belief  
19                  that such distribution touches upon a matter of pub-  
20                  lic concern.

21                  “(c) PENALTY.—Any person who violates subsection  
22 (b) shall be fined under this title, imprisoned not more  
23 than 2 years, for each individual victim depicted, or both.

24                  “(d) EXCEPTIONS.—

1           “(1) LAW ENFORCEMENT, LAWFUL REPORTING,  
2           AND OTHER LEGAL PROCEEDINGS.—This section—

3                   “(A) does not prohibit any lawful law en-  
4                   forcement, correctional, or intelligence activity;

5                   “(B) shall not apply in the case of an indi-  
6                   vidual acting in good faith to report unlawful  
7                   activity or in pursuance of a legal or profes-  
8                   sional or other lawful obligation; and

9                   “(C) shall not apply in the case of a docu-  
10                  ment production or filing associated with a legal  
11                  proceeding.

12               “(2) SERVICE PROVIDERS.—This section shall  
13               not apply to any provider of a communications serv-  
14               ice with regard to content provided by another infor-  
15               mation content provider unless the provider of the  
16               communications service intentionally solicits, or  
17               knowingly and predominantly distributes, content  
18               that the provider of the communications service ac-  
19               tually knows is in violation of this section.

20               “(e) THREATS.—Any person who intentionally  
21               threatens to commit an offense under subsection (b) shall  
22               be punished as provided in subsection (c).

23               “(f) VENUE AND EXTRATERRITORIALITY.—A pros-  
24               ecution under this section may be brought in a district  
25               where the defendant or the depicted individual resides or

1 in a district where the intimate visual depictions are dis-  
2 tributed. There is extraterritorial Federal jurisdiction over  
3 an offense under this section if the defendant or the de-  
4 picted individual is a citizen or permanent resident of the  
5 United States.”.

6 (c) CLERICAL AMENDMENT.—The table of sections  
7 of chapter 88 of title 18, United States Code, is amended  
8 by inserting after the item relating to section 1801 the  
9 following:

“1802. Certain activities relating to intimate visual depictions.”.

