

The ENOUGH Act of 2017 – Ending Nonconsensual Online User Graphic Harassment

Previously known as the “Intimate Privacy Protection Act of 2016,” this bipartisan legislation addresses the malicious sharing of private, explicit images, such as “revenge porn” and “sextortion.”

Senate Co-Sponsors: [Harris](#), [Burr](#), [Klobuchar](#)

House Co-Sponsors: [Speier](#), [Costello](#), [Gowdy](#), [Meehan](#), [Clark](#), [Rooney](#), [Meeks](#), [Jones](#)

Support: A diverse coalition of leading voices in law enforcement, women’s rights, technology, and academia. A list of supporters is attached.

Nonconsensual sharing of private, explicit images is a serious problem. These online privacy violations are increasing exponentially and disproportionately target women and minors. While the best-known examples are “revenge porn” and “sextortion,” these violations occur in many other scenarios. Examples include a California Highway Patrol officer who forwarded intimate pictures from female motorists’ cellphones as part of a “game” among colleagues, Penn State fraternity brothers who uploaded photos of unconscious, naked women to a members-only Facebook page for entertainment purposes, and websites that intentionally solicited thousands of sexually explicit private images for profit and entertainment.

Victims of these egregious privacy violations report frequent harassment and significant distress about losing control over their intimate privacy, their relationships, and their reputation. Several victims have, tragically, taken their own lives.

While 35 states have enacted statutes in this area, they offer incomplete and inconsistent coverage. Furthermore, the inherently interstate nature of the privacy violation poses a jurisdictional challenge for state and local law enforcement agencies.

The ENOUGH Act – Ending Nonconsensual Online User Graphic Harassment (previously known as “The Intimate Privacy Protection Act”) would narrowly establish federal criminal liability for individuals who share private, explicit images without consent. The ENOUGH Act would ensure that the Department of Justice has an appropriate and effective tool for addressing these serious privacy violations. If a person shares a nude image, knowing there is a substantial risk that the person depicted does not consent, that would be a federal crime. Similarly, if a person makes a true threat or extortionate demand about sharing a nude image, that would be a federal crime.

Because a photograph is a form of speech, the ENOUGH Act includes a number of civil liberties safeguards to ensure that only nonconsensual sharers would be liable. A prosecution under the ENOUGH Act would require proving that the defendant knew there was a substantial risk that the person depicted expected the image would remain private, that the defendant knew there was a substantial risk of harm associated with sharing, and that no reasonable person would consider the shared image to touch on a matter of public concern. The ENOUGH Act strikes an effective balance between protecting the victims of these serious privacy violations and ensuring that vibrant online speech is not burdened. Leading constitutional scholars have reviewed ENOUGH and concluded that it is consistent with the First Amendment.

The ENOUGH Act also includes safeguards for innocent Internet service providers and online platforms, recognizing that they exercise limited control over their customers. These intermediaries would only be liable if they intentionally promote or solicit criminal conduct.

For too long, victims of this horrid online harassment have had to rely on a patchwork of ill-fitting or jurisdiction-specific laws. A unified federal statute is long overdue. ENOUGH is that statute.

Support for The ENOUGH Act (2017)

- Law Enforcement
 - National Association of Assistant United States Attorneys (NAAUSA)
 - National District Attorneys Association (NDAA)
 - Federal Law Enforcement Officers Association (FLEOA)
 - Major County Sheriffs of America
 - National Association of Police Organizations (NAPO)

- Women's Rights and Family Issues
 - Rape, Abuse, and Incest National Network (RAINN)
 - National Organization for Women (NOW)
 - Feminist Majority
 - Girls, Inc.
 - Family Online Safety Institute
 - Women's Media Center
 - Cyber Civil Rights Initiative
 - National Network to End Domestic Violence (NNEDV)

- Technology and Telecom
 - Facebook
 - Twitter
 - Internet Association
 - Snap Inc.
 - AT&T
 - Oath
 - Information Technology and Innovation Foundation (ITIF)
 - The Future of Privacy Forum

- Academia
 - Erwin Chemerinsky, University of California, Irvine School of Law
 - Mary Anne Franks, University of Miami School of Law
 - Danielle Keats Citron, University of Maryland School of Law