

South Carolina General Assembly
126th Session, 2025-2026

Bill 3058

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

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Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

May 1, 2025

H. 3058

Introduced by Reps. Wooten, Pope, Spann-Wilder, McCravy, Taylor, Cobb-Hunter, Govan, Erickson, Bradley, Guffey, W. Newton, B. Newton and Willis

S. Printed 5/1/25--S.

Read the first time April 23, 2025

A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-330 SO AS TO DEFINE NECESSARY TERMS FOR THE OFFENSE OF INTENTIONALLY DISSEMINATING INTIMATE IMAGES OR DIGITALLY FORGED INTIMATE IMAGES WITHOUT EFFECTIVE CONSENT; AND BY ADDING SECTION 16-15-332 SO AS TO CREATE THE OFFENSE OF INTENTIONALLY DISSEMINATING INTIMATE IMAGES OR DIGITALLY FORGED INTIMATE IMAGES WITHOUT EFFECTIVE CONSENT, TO PROVIDE GRADUATED PENALTIES, AND TO PROVIDE AN EXCEPTION FOR LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-330. For purposes of Section 16-15-332, the term:

(1) "Digitally forged intimate image" means any intimate image of an identifiable individual that appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, and that is generated or substantially modified using machine-learning techniques or any other computer-generated or machine-generated means to falsely depict an individual's appearance or conduct, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

(2) "Effective consent" means the affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization. The disclosure of the intimate image or digitally forged intimate image by the identifiable individual to another person is not sufficient effective consent under this section.

(3) "Identifiable individual" means the identity of the depicted person through an intimate image or digitally forged intimate image, or whose identity can be determined through any accompanying or subsequent information or material related to the visual material.

(4) "Intimate image" means any still or videographic image of an identifiable individual that depicts wholly or partially uncovered genitals, pubic area, anus, or postpubescent female nipple or areola of an individual, the display or transfer of semen or vaginal secretion, sexual activity, as defined in Section 16-15-375, or sexually explicit nudity, as defined in Section 16-15-375.

SECTION 2. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-332. (A) A person who intentionally disseminates an intimate image or a digitally forged intimate image of another person without the effective consent of the depicted person is guilty of the unauthorized disclosure of intimate images. A person intentionally disseminates an intimate image or a digitally forged intimate image if he has knowledge that the image was obtained or created under circumstances when he knew or reasonably should have known the person depicted had a reasonable expectation of privacy. Any dissemination of multiple intimate images of the same individual as part of a common act is a single offense. The fact that the identifiable individual:

(1) provided affirmative consent for the creation of the intimate image shall not establish that the individual provided effective consent for the dissemination of the intimate image; and

(2) disclosed the intimate image to another individual shall not establish that the identifiable individual provided effective consent for the dissemination of the intimate image by the person alleged to have violated this section.

(B) A person who violates the provisions of this section, with the intent to cause physical, mental, economic, or reputational harm to the individual portrayed in the image, or for the purpose of profit or pecuniary gain, is guilty of a felony and, upon conviction, for a:

(1) first offense, must be fined not more than five thousand dollars or imprisoned not more than five years, or both; or

(2) second or subsequent offense, after an intervening conviction or adjudication for a previous violation of the provisions of this section, must be fined not more than ten thousand dollars or imprisoned not less than one year but not more than ten years, or both. No part of the minimum sentence may be suspended nor probation granted.

(C) A person who violates the provisions of this section, without the intent to cause physical, mental, economic, or reputational harm to the individual portrayed in the image, or for the purpose of profit or pecuniary gain, for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both; or

(2) second or subsequent offense, after an intervening conviction or adjudication for a previous violation of the provisions of this section, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) Intimate images or digitally forged intimate images cannot be duplicated for the purpose of criminal discovery requests and motions.

(E) A violation of this section is not a lesser-included offense of any other applicable offense but is a separate offense and does not preclude charges under another applicable provision of law.

(F) The provisions of this section do not apply to any intimate image or digitally forged intimate image created by law enforcement pursuant to a criminal investigation which is otherwise lawful.

SECTION 3. This act takes effect upon approval by the Governor.

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