

CONSENT Act

CURBING ONLINE NON-CONSENSUAL SEXUALLY EXPLICIT NUDITY TRANSFERS

*Led by Representatives Jennifer McClellan (VA-04) and Nathaniel Moran (TX-01)
an Senators Brian Schatz (D-HI) and Steve Daines (R-MT)*

THE ISSUE

Cyberflashing can include the transferral of sexually-explicit images and videos without consent via social media, messaging apps, WiFi, Bluetooth, and even AirDrop. According to Pew Research, over half of women ages 18 to 29 have received an explicit image they never asked for. Overall, 32% of women and 30% of men have received unsolicited explicit images.

The rapid development of artificial intelligence (AI) is further complicating the issue. The Stanford Internet Observatory and Thorn found that AI technologies exacerbate online sexual exploitation and contribute to the creation of child sexual abuse material (CSAM).

As of July 1st, 2022, it is illegal to send unsolicited nude photos in Virginia, thanks to McClellan's efforts as a state legislator. While in the Virginia General Assembly, McClellan worked with Bumble to develop and champion legislation that made it illegal to send unsolicited, sexually-explicit photos.

SOLUTION

The CONSENT Act would protect Americans from unsolicited lewd photos by:

- Ensures a private right of action against individuals who knowingly send unsolicited, nonconsensual, sexually explicit visual images, whether they are unaltered or manipulated using machine learning or artificial intelligence.
- Provides that an individual may obtain either statutory damages (not more than \$500) OR compensatory damages for emotional distress, reimbursement for reasonable attorney fees, and a temporary restraining order to cease receiving sexually explicit images from the sender.
- Safeguards the privacy of minors and allows a legal guardian to bring a civil action on their behalf and may elect to use the plaintiff's initials in all further court proceedings.

ENDORSEMENTS

Online dating app Bumble, the National District Attorneys Association, National Organization of Women, the Virginia Chapter of the National Organization of Women, the National Political Women's Caucus, and the Richmond YWCA.