

# CONSENT Act

## CURBING ONLINE NON-CONSENSUAL SEXUALLY EXPLICIT NUILITY TRANSFERS

*Led by Representatives Jennifer McClellan (VA-04) and Nathaniel Moran (TX-01);  
Senators Brian Schatz (D-HI) and Marsha Blackburn (R-TN)*

### THE ISSUE

Cyberflashing, or the act of digitally sending unwanted sexual images or videos to another person, can be a form of abuse or harassment. Cyberflashing can occur on social media, dating apps, over text, or even via AirDrop, and disproportionately impacts women. According to the Pew Research Center, more than half of women and more than a third of men between 18-29 have received such images. Additionally, victims may face barriers to reporting including fear of retaliation, stigma, and procedural barriers. In addition, AI enables a new form of non-consensual intimate imagery (NCII), which can be generated quickly and cheaply. A 2024 study found that 15% of K-12 students were aware of at least one NCII deepfake that depicts an individual associated with their school. These deepfakes can cause lasting trauma whether the videos or images are real or fake, or whether the recipient is the one being depicted.

### SOLUTION

The bipartisan, bicameral CONSENT Act would enable civil right of action and relief to victims who are sent intimate digital depictions or intimate digital forgery without their consent. It also provides an exception for transmissions of intimate visual depictions for a good faith medical, education, or law enforcement purposes.

An individual may obtain relief in the form of:

- Statutory damages of up to \$1,000 or compensatory damages for emotional distress;
- Reasonable attorney fees and costs; and
- A temporary restraining order, preliminary injunction, or permanent injunction ordering the defendant to cease transmitting intimate visual depictions to the plaintiff without consent.

Cyberflashing is an urgent problem that Congress must move to solve with commonsense legislation. By giving individuals the right of action, they can seek justice for these crimes.

### ENDORSEMENTS

Bumble, National Alliance to End Sexual Violence, National Domestic Violence Hotline (The Hotline), National Network to End Domestic Violence (NNEDV), National Women's Law Center (NWLC) Action Fund, RAINN, SafeBAE, and Sexual Violence Prevention Association (SVPA)