



Office of
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**Representative Kane supports bill to punish the unauthorized
distribution of sexually explicit images and videos**
Legislation also expands abuse definition to include coercive control

BOSTON – State Representative Hannah Kane (R-Shrewsbury) recently supported legislation to close a loophole in Massachusetts law and address the unauthorized distribution of sexually explicit images or videos via text messaging and online postings.

House Bill 4744, *An Act to prevent abuse and exploitation*, criminalizes so-called “revenge porn” by establishing penalties for disseminating explicit visual material of another person without their consent. The bill also expands the definition of abuse to include coercive control and assists survivors by extending the statute of limitations for certain domestic violence offenses, including assault and battery on a family or household member or for individuals with an active restraining order, from six years to 15 years.

House Bill 4744 was enacted by the House on a vote of 151-0 on June 13 and by the Senate the same day on a voice vote. It is now before Governor Maura Healey for her review and signature.

House Bill 4744 represents a compromise reached by a six-member Conference Committee, which worked over the past month to resolve the difference between two earlier versions of the bill that had previously passed the House and Senate. Representative Alyson Sullivan-Almeida (R-Abington), who is herself a survivor of domestic abuse and an advocate for raising awareness of the problem and assisting other survivors, served on the Conference Committee and helped negotiate the final language.

Representative Kane noted that under the compromise bill, several measures will be implemented to prevent the sharing of explicit visual material without the consent of the individual being photographed or recorded. In addition to making “revenge porn” punishable by up to 2 ½ years in prison or a \$10,000 fine, the bill increases the fine for criminal harassment from \$1,000 to \$5,000. Additionally, House Bill 4744 prevents the use of computer-generated artificial intelligence (AI) for the creation of deepfake revenge porn.

House Bill 4744 also amends the definition of “abuse” to include coercive control, which is defined as regulating and controlling communication, movements, daily behavior, and finances. This abuse often involves the isolation of victims from family or support systems, as well as threats, intimidation, and various forms of emotional abuse. Expanding this definition will allow victims of abuse to qualify for an abuse prevention order.

In addition, House Bill 4744 provides for an educational diversion program for minors who engage in sexting, which would be developed by the Attorney General's office and would allow district attorneys, law enforcement, and clerk magistrates to refer a child, when appropriate, to the program. According to Representative Kane, the purpose of this diversion program is to provide an alternative punishment for minors who could otherwise be charged with felony possession of child pornography and give them a better understanding of the consequences of their actions. The bill also encourages school districts to incorporate aspects of this program into their curriculum as a learning tool for students and requires an annual review of the program and curriculum by the Office of the Child Advocate.

Massachusetts is currently one of only two states that do not have specific laws against revenge porn, the other being South Carolina. Representative Kane noted that former Governor Charlie Baker filed legislation to close this loophole and protect victims in 2017, 2019 and again in 2021, but none of those bills reached his desk, despite the House approving a bill in 2022 that died in the Senate.

Governor Healey has until June 23 to sign the bill into law.

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