

[AS INTRODUCED]

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Create offences relating to the taking of a non-consensual sexually explicit photograph or film; and the creation of, or solicitation to create, a non-consensual digitally produced sexually explicit photograph or film; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Non-consensual sexually explicit photograph or film

In the Sexual Offences Act 2003, after section 66D, insert—

“66E Taking, or soliciting the taking of, a non-consensual sexually explicit photograph or film

- (1) A person (A) commits an offence if—
 - (a) A intentionally takes, or solicits the taking of, a sexually explicit photograph or film of another person (B),
 - (b) B does not consent to the taking, or solicitation of the taking, of the photograph or film, and
 - (c) A does not reasonably believe that B consents.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for taking, or soliciting the taking of, the photograph or film.
- (3) The exemptions in section 66C(1) to (5) apply to an offence under this section.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (5) Where A is convicted of an offence under this section, the court may require A to delete any copies of a photograph or film they have taken under this section, including physical copies and those held on any device, cloud-based programme, or digital or messaging platform they control.

- (6) In this section, “taking” in relation to a photograph or film, means—
- (a) filming, recording, taking or otherwise capturing the photograph or video, or
 - (b) digitally creating the photograph or video.” 5

2 Digitally produced non-consensual sexually explicit photograph or film

In the Sexual Offences Act 2003, after section 66E (inserted by section 1), insert—

“66F Creating or soliciting a non-consensual digitally produced sexually explicit photograph or film 10

- (1) A person (A) commits an offence if—
 - (a) A creates, or solicits the creation of, a digitally produced sexually explicit photograph or film of another person (B),
 - (b) B does not consent to the creation or soliciting of the photograph or film, and 15
 - (c) A does not reasonably believe that B consents.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for creating, or soliciting the creating of, the photograph or film. 20
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (4) Where A is convicted of an offence under this section, the court may require A to delete any copies of a photograph or film they have taken under this section, including physical copies and those held on any device, cloud-based programme, or digital or messaging platform they control. 25

66G Interpretation of sections 66E and 66F

In sections 66E and 66F, “sexually explicit photograph or film” means a photograph or film, as defined in section 66A(3) to (5), which appears to be a photograph or film of anyone in an “intimate state” as defined in section 66D(5), (6) or (7) (as amended by section 3 of the Non-Consensual Sexually Explicit Images and Videos (Offences) Act 2024).” 30
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3 Meaning of intimate state

Section 66D of the Sexual Offences Act 2003 is amended as follows—

- (a) in subsection (5)(d) omit “or”;

- (b) after subsection (5)(e) insert “, or
 - (f) something else depicting the person that a reasonable person would consider to be sexual because of its nature”.

4 Extent, commencement and short title

- (1) This Act extends to England and Wales only. 5
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Non-Consensual Sexually Explicit Images and Videos (Offences) Act 2024.

Non-Consensual Sexually Explicit Images and Videos (Offences) Bill [HL]

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Baroness Owen of Alderley Edge

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