

Senate Amendments to House Bill No. 1196

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 SECTION 1. This act shall be known and may be cited as
10 "Walker's Law."

11 SECTION 2. As used in this section, the following words have
12 the meaning ascribed herein unless the context clearly requires
13 otherwise:

14 (a) "Adult" means a person eighteen (18) years or
15 older.

16 (b) "Minor" means any person under eighteen (18) years
17 of age at the time of the alleged offense.

18 (c) "Great bodily injury" means bodily injury which
19 causes a substantial risk of death, serious permanent
20 disfigurement, or protracted loss or impairment of the function of
21 a bodily member or organ.

22 (d) "Private image" means an image depicting sexually
23 explicit nudity, sexual activity, sexual conduct as defined in
24 Section 97-29-64, sexually explicit conduct as defined in Section
25 97-5-31, or sexual intercourse as defined in Section 97-3-65.

26 (e) "Image" means a photograph, film, videotape,
27 recording, live transmission, digital or computer-generated visual
28 depiction, or any other reproduction made by electronic,
29 mechanical or other means.

30 (f) "Electronic mail" means the transmission of
31 information or communication by the use of the internet, a
32 computer, a facsimile machine, a pager, a cellular telephone, a
33 video recorder or other electronic means sent to a person
34 identified by a unique address or address number and received by
35 that person.

36 (g) "Electronic communication" means any transfer of
37 signs, signals, writing, images, sounds, data or intelligence of
38 any nature, transmitted in whole or in part by a wire, radio,
39 computer, electromagnetic, photoelectric or photo-optical system.

40 (h) "Disclose" means exhibit, transfer, publicize,
41 distribute or reproduce.

42 (i) "Vulnerable person" has the same meaning as in
43 Section 43-47-5.

44 **SECTION 3.** A person commits the offense of sexual extortion
45 if the person intentionally threatens, including through the use
46 of electronic mail or electronic communication, to release,
47 exhibit or distribute a private image of another in order to
48 compel or attempt to compel the victim to do any act or refrain
49 from doing any act against his or her will, with the intent to
50 obtain an additional private image or anything else of value.

51 Notwithstanding provisions of this act to the contrary, a person
52 convicted of sexual extortion shall be imprisoned:

53 (a) Not more than five (5) years for a first offense;

54 (b) Not more than ten (10) years for a second offense;

55 or

56 (c) Not more than fifteen (15) years for a third or
57 subsequent offense.

58 **SECTION 4.** (1) A person commits the offense of aggravated
59 sexual extortion if the person intentionally threatens, including
60 through the use of electronic mail or electronic communication, to
61 release, exhibit or distribute a private image of another in order
62 to compel or attempt to compel the victim to do any act or refrain
63 from doing any act against his or her will, with the intent to
64 obtain an additional private image or anything else of value, and
65 either:

66 (a) The victim is a minor or vulnerable person, and the
67 person convicted of sexual extortion is an adult; or

68 (b) The victim suffers great bodily injury or death,
69 and the appropriate court finds beyond a reasonable doubt that the
70 sexual extortion of the victim was the proximate cause of the
71 great bodily injury or death.

72 (2) A person convicted of aggravated sexual extortion shall
73 be imprisoned not more than fifteen (15) years.

74 **SECTION 5.** The youth court may order as a condition of
75 sentencing behavioral health counseling from an appropriate agency
76 or provider for any juvenile adjudicated under this act.

77 **SECTION 6.** For the purposes of venue under the provisions of
78 this section, any violation of this section may be prosecuted in
79 the county in which the communication originated, the county in
80 which the communication was made, the county in which the
81 communication was received or the county in which any act in
82 execution or furtherance of the scheme occurred.

83 **SECTION 7.** This act shall take effect and be in force from
84 and after July 1, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT WALKER'S LAW TO CREATE THE OFFENSE OF SEXUAL
2 EXTORTION; TO DEFINE TERMS; TO CREATE THE OFFENSE OF SEXUAL
3 EXTORTION AND AGGRAVATED SEXUAL EXTORTION; TO CREATE THE OFFENSE
4 OF MISDEMEANOR SEXUAL EXTORTION WHEN THE OFFENDER IS A MINOR; TO
5 PROVIDE CRIMINAL PENALTIES FOR THE OFFENSES; TO DEFINE PROPER
6 CRIMINAL VENUE FOR THE PROSECUTION OF OFFENSES CREATED UNDER THIS
7 ACT; AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate