

P. MICHAEL STURLA, CHAIRMAN  
414 MAIN CAPITOL BUILDING  
P.O. BOX 202096  
HARRISBURG, PENNSYLVANIA 17120-2096  
(717) 787-3555  
FAX: (717) 705-1923



HOUSE DEMOCRATIC POLICY COMMITTEE

WEBSITE: [www.pahouse.com/policycommittee](http://www.pahouse.com/policycommittee)

EMAIL: [policy@pahouse.net](mailto:policy@pahouse.net)

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**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA

**HOUSE DEMOCRATIC POLICY COMMITTEE HEARING**

**Topic: House Bill 1974**

**Crane Center – Philadelphia, PA**

**January 10, 2020**

**AGENDA**

- 10:00 a.m. Welcome and Opening Remarks
- 10:10 a.m. Caroline Ellis Roche  
Chief of Staff  
Bumble
- 10:20 a.m. *Questions & Answers*
- 10:40 a.m. Panel of Advocates:
- Jovida Hill  
Executive Director  
Philadelphia Commission for Women
  - Dr. Monique Howard  
Executive Director  
Women Organized Against Rape
- 11:00 a.m. *Questions & Answers*
- 11:20 a.m. Closing Remarks

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## House Co-Sponsorship Memoranda

### House of Representatives Session of 2019 - 2020 Regular Session

#### MEMORANDUM

**Posted:** September 20, 2019 09:53 AM  
**From:** [Representative MaryLouise Isaacson](#)  
**To:** All House members  
**Subject:** Electronic Transmission of Sexually Explicit Images

Despite the success of the #MeToo movement, sexual harassment remains a serious problem in our society, particularly due to online forms of sexual harassment. 20% of women and 10% of men ages 18 to 29 report having been sexually harassed online. Additionally, 54% of women ages 18 to 29 report that they have been sent sexually explicit images that they did not request.

In response to this issue, Texas recently passed legislation to prohibit the sending of unsolicited sexually explicit images. My legislation would mirror the Texas legislation to better protect Pennsylvanians from being subjected to explicit and obscene images without their consent. Please join me in combatting online sexual harassment and ensuring the dignity of all Pennsylvanians.

[View Attachment](#)



Introduced as [HB1974](#)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1974 Session of  
2019

INTRODUCED BY ISAACSON, BOBACK, CALTAGIRONE, CEPHAS, DeLUCA,  
FRANKEL, HILL-EVANS, HOHENSTEIN, HOWARD, JOHNSON-HARRELL,  
KENYATTA, KINSEY, KOSIEROWSKI, MURT, OTTEN, READSHAW, ROZZI,  
SCHLOSSBERG, SCHWEYER AND YOUNGBLOOD, OCTOBER 22, 2019

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 22, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in sexual offenses, providing for the  
3 offense of unsolicited dissemination of intimate image.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3133. Unsolicited dissemination of intimate image.

9 (a) Offense defined.--A person commits the offense of  
10 unsolicited dissemination of intimate image if the person  
11 knowingly transmits, distributes, publishes or disseminates an  
12 electronic communication containing a sexually explicit image  
13 that is not transmitted, distributed, published or disseminated  
14 at the request of a recipient or with the express consent of a  
15 recipient.

16 (b) Grading.--An offense under subsection (a) shall be a  
17 summary offense.

1 (c) Territorial applicability.--A person may be convicted  
2 under the provisions of this section if the victim or the  
3 offender is located within this Commonwealth.

4 (d) Nonapplicability.--Nothing in this section shall be  
5 construed to apply to a law enforcement officer engaged in the  
6 performance of the law enforcement officer's official duties.

7 (e) Definitions.--As used in this section, the following  
8 words and phrases shall have the meanings given to them in this  
9 subsection unless the context clearly indicates otherwise:

10 "Disseminate." To cause or make an electronic or actual  
11 communication from one person, place or electronic communication  
12 device to two or more other persons, places or electronic  
13 communication devices.

14 "Distribute." To deliver or pass out.

15 "Electronic communication." As defined in section 5702  
16 (relating to definitions).

17 "Law enforcement officer." An officer of the United States,  
18 of the Commonwealth or political subdivision thereof, or of  
19 another state or subdivision thereof, who is empowered to  
20 conduct investigations of or to make arrests for offenses  
21 enumerated in this title or an equivalent crime in another  
22 jurisdiction, and any attorney authorized by law to prosecute or  
23 participate in the prosecution of such offense.

24 "Nudity." The showing of the human male or female genitals,  
25 pubic area or buttocks with less than a fully opaque covering,  
26 the showing of the female breast with less than a fully opaque  
27 covering of any portion thereof below the top of the nipple or  
28 the depiction of covered male genitals in a discernibly turgid  
29 state.

30 "Publish." To issue for distribution.

1 "Sexually explicit image." A lewd or lascivious visual  
2 depiction of a person's genitals, pubic area, breast or buttocks  
3 or nudity, if the nudity is depicted for the purpose of sexual  
4 stimulation or gratification of a person who might view the  
5 nudity.

6 "Transmit." To cause or make an electronic communication  
7 from one person, place or electronic communication device to  
8 only one other person, place or electronic communication device.

9 "Visual depiction." A representation by picture, including,  
10 but not limited to, a photograph, videotape, film or computer  
11 image.

12 Section 2. This act shall take effect in 60 days.

**Testimony in Support of House Bill 1974 - Electronic Submission of Sexually Explicit Images**  
**Pennsylvania House Democratic Policy Committee**

**January 10, 2020**

Chairman Sturla and members of the committee, my name is Caroline Ellis Roche. I am the Chief of Staff of Bumble and appear on behalf of Whitney Wolfe Herd, and I'm here today to testify in support of House Bill 1974 authorized by Representative Mary Isaacson.

Bumble is a social networking app. When Whitney founded the company in 2014 at the age of 25, it was because she wanted to re-calibrate the way women were being treated online. On Bumble, women make the first move. This has proven to be a deterrent for harassment and abusive behavior. We now have more than 81 million users worldwide — 1.8 million of whom are Pennsylvanians — and we're more dedicated than ever in our mission to encourage kindness, accountability, equality and respect across our platforms.

Chairman and members, let me paint a picture for you. Imagine you're walking down the street, minding your own business, when suddenly, a stranger pulls down their pants, exposing themselves. You feel violated and embarrassed. Luckily, in Pennsylvania, Indecent Exposure is a second-degree misdemeanor punishable by as much as two years in jail or a fine set by the Judges and mandatory sex registration (Title 18, Chapter 31, Section 3127).

Now — imagine you're walking down the street, when suddenly your phone buzzes. You've just received a lewd, sexually-explicit photo. You didn't ask for it, and you feel just as violated and uncomfortable as if it had happened right there in front of you. If Indecent Exposure is a crime on the streets, then why not on your phone or on your computer?

Everyone should feel safe online, but the data shows that we don't. In a recent study of Bumble users, one in three women reported they'd received unsolicited lewd photos from someone they did not know, and 96 percent of these users were unhappy to have received them.

Lately, it feels like men and women are being told this sort of behavior is “no big deal.” Women in particular are expected to “laugh this sort of thing off.” But there's nothing funny about it. It's harassment — plain and simple.

There have been times where I, too, have been on the receiving end of hateful messages accompanied by lewd images. It disgusted me. It scared me. But more importantly, it made me think just how damaging this kind of behavior could be on young adults.

And it's not just dating apps and social networks. These images and videos are sent via text, email, social media direct-message, and are even “AirDropped” in public places.

[MORE ON BACK]

At Bumble we ban users that send unsolicited lewd photos and we have developed state-of-the-art technology to detect such photos and warn recipients in advance — but these steps do nothing to prohibit those users from behaving badly anywhere else online.

We're also calling on our peer companies to join Bumble in raising their standards, too, but tech companies can only do so much to curb this abhorrent behavior. We're counting on our lawmakers to fill the gaps where our best efforts fall short.

House Bill 1974 tackles this modern problem head on, making sure the law acts as a true deterrent — a reminder that if it's not okay in person, it shouldn't be tolerated digitally.

Our aim is not to curtail free expression, and we in no way want to stifle communication between consenting adults — consenting being the operative word. We just want the standards of acceptable behavior online to match those in real life.

Committee members, I'll close by respectfully requesting your support for this important legislation sponsored by Representative Isaacson, and thanking each of you for your service to the state of Pennsylvania and for the opportunity to speak with you today.

This concludes my testimony, and I welcome any questions from the committee. Thank you.

Caroline Ellis Roche  
[caroline@team.bumble.com](mailto:caroline@team.bumble.com)

Gaylord T. Hughey, Jr.  
[gaylord@gthlaw.net](mailto:gaylord@gthlaw.net)  
903.597.6192

**Testimony Before the House Policy Committee  
HB1974  
On Electronic Transmission of Sexually Explicit Images  
Hon. MaryLouise Isaacson**

**Jovida Hill  
Executive Director  
Office of Engagement for Women  
and  
The Philadelphia Commission for Women**

**Friday, January 10, 2020**

Good Afternoon State Representative Isaacson and members of the Policy Committee. I am Jovida Hill, Executive Director of the Office of Engagement for Women and the Philadelphia Commission for Women. I appreciate this opportunity to testify today.

Our office is committed to a social justice agenda that promotes civic, educational and economic policies that enhance the lives of women and girls. Our office is under the Mayor's Office of Public Engagement that includes the Office of Civic Engagement and Volunteer Services, the Office of Black Male Engagement, the Office of Youth Engagement, the Millennial Advisory Committee, and the Office of Faith-Based Initiatives and Interfaith Affairs.

We are committed to approaching public policy from an intersectional lens that respects and considers the variables of race, ethnicity, class, gender, gender expression, age, disability and even zip code as some of the many ways that influence how we experience inequality.

Our office embraces a participatory stakeholder model of meaningful public engagement that informs, consults, involves, collaborates and ultimately empowers the end users of our public engagement. To put this more simply and relevant to why we are here today, is that our advocacy is informed by diverse voices including health care professionals, public health policy makers, social service providers, social justice advocates and women, girls and gender non-conforming individuals themselves.

HB 1974 is an important step in protecting people from on-line sexual harassment and sexual harassment that occurs via digital devices. The City of Philadelphia recently modernized our sexual harassment policy to address the use of technology and specifies "computers, fax, e-mail, cell phones, instant messaging, social media, videos, or any other similar modes of transmission, including emerging or future transmission technology."

Prohibited conduct includes sexting, harassing a coworker or work contact via electronic devices or social media; displaying or transmitting pictures, jokes, videos, GIFS (Graphic Interchange Formats) that are sexual in nature in the workplace. But these protections are in the workplace and covers adults.



While I applaud this effort to protect Pennsylvanians from exposure to the transmission of unwanted sexually explicit materials. There is this nagging concern for young people, especially teenagers whose maturity and mental development may not grasp the full consequences of impulsive behavior and the use of digital devices that make them vulnerable to legal ramifications that will label them sexual predators for life.

HB1974 will not be a deterrent to on-line sexual harassment unless it is bolstered by a comprehensive sex education curriculum. There has never been a time with more urgency to lay a foundation for a comprehensive sex education curriculum that truly values all students and their gender identities in ways that are positive and affirming; and promotes a learning environment that has zero tolerance for harassment and bullying.

Comprehensive sex education that is properly administered, is age appropriate, is values based, respects the dignity of every human being and is standardized for all public schools across the state, can have an enormous impact not just for preventing health risks and teen pregnancies, but presents an opportunity for an important cultural shift that has the potential to reduce toxic masculinity, rape culture and sexual harassment at the workplace and in public spaces.

Thank you for this opportunity to testify today.

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