

**§ 8316.1. Damages in actions for unlawful dissemination of intimate image.**

**(a) Cause of action established.**--A person may bring a civil cause of action based upon unlawful dissemination of intimate image, as defined in 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image), in order to recover damages for any loss or injury sustained as a result of the violation.

**(b) Parties authorized to bring action.**--An action may be brought by a natural person or a guardian of the natural person, if the person is incompetent.

**(c) Damages.**--A court of competent jurisdiction may award damages as set forth in this subsection. In determining the extent of injury, the court shall consider that dissemination of an intimate image may cause long-term or permanent injury. The court may award:

(1) Actual damages arising from the incident or \$500, whichever is greater. Damages include loss of money, reputation or property, whether real or personal. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$500.

(2) Reasonable attorney fees and court costs.

(3) Additional relief the court deems necessary and proper.

**(d) Other remedies preserved.**--Nothing in this section shall be construed to limit the ability of a person to receive restitution under 18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property).

**(e) Nonapplicability.**--The provisions of this section shall not be applicable to a law enforcement officer engaged in the law enforcement officer's official duties.

**(f) Definition.**--As used in this section, the term "law enforcement officer" means any officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated in 18 Pa.C.S. (relating to crimes and offenses), or an equivalent crime in another jurisdiction, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

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**2014 Amendment.** Act 115 added section 8316.1.