

Government Affairs Update, April 1, 2020

The focus on the current CORVID-19 pandemic has put most other legislative matters on hold at our various state legislatures. Here is the current status of bills we are watching in anticipation of the legislatures coming back into session later this spring:

Arizona AZ HB 2703

This proposed law allows a civil penalty after an alleged invasion of privacy caused by any unauthorized capture and dissemination of “a live visual image, sound or other physical impression that is captured or taken in this state after December 31, 2020.” Existing Arizona law already addresses civil remedies for theft of property.

Status: Held (postponed) by the House Judiciary Committee. No Hearing Date Set

California CA SB 798

The intent of this bill is to make it illegal to send photos to anyone through a phone without their consent. It’s a civil bill not criminal. The author says it is to be modeled after a similar Texas law, however at this point the bill is just a shell with no details, making it ripe for lots of amendments that may or may not be of interest to nudists.

Status: Held (postponed) by the Senate Judiciary Committee. No Hearing Date Set

CA AB 2065

Existing law makes it a misdemeanor to share intimate images of another person illegal if the sharing results in the serious emotional distress of the person depicted. This bill would make the offense a felony and require the offender to register as a sex offender. The offense does not rely on the intent of the alleged perpetrator, instead, it's based on the perception of the action by the alleged victim, debatable. This proposed new law does not exclude artwork nor exclude photos in a place (such as a beach) for which there could be no reasonable expectation of privacy. However, women's breasts are excluded from the definition of "intimate body parts." This is a vaguely written bill that no doubt will bring income to lawyers and grief to nudists who innocently take photos of each other.

Status: A hearing on the bill March 17 was postponed due to the CORVID-17 pandemic.

Wyoming WY HB 48

This “voyeur” bill makes it a felony to use any device to take “intimate” photos of another person without their consent. The bill is cosponsored by 10 House and 2 Senators. We are concerned because voyeur bills seem to be magnets for amendments that often target public nudity. We also have to be careful about penalty creep when a certain offense goes from one felony to a worse felony, for example, just to make the legislator sound stronger on crime.

Status: On Hold by the House Judiciary Committee. No Hearing Date Set.

Florida – HB 675, SB 850, and SB 1018

Florida Free Beaches promoted several bills that open up Florida Statute 800.03 so that “clothing-optional” beach may become legal in the state. SB 850 filed by Sen. Jason Pizzo, SB 1018 by Sen. Linda Stewart, and HB 0675 by Rep. Amy Mercado directed state agencies to work with Visit Florida to develop a pilot program where three state owned parks will be "set apart" or designated as clothing optional. In addition, the proviso will direct the Department to modify their rules.

Status: SB 850 died in the Rules committee 3/14/20

HB 675 passed the Criminal Justice Committee 14-1, and the Justice Appropriations Committee 9-0, and the Judiciary Committee 16-0. It then passed the House 118-0. In the Senate, its text was amended out and replaced by the text of SB 1018.

SB 1018 was passed by the Judiciary Committee 5-0 but was tabled in the Rules Committee on 3/10/20 after another Senator amended the bill so it was no longer favorable to nudists.

Result: no bill favoring nude recreation was passed this session. Florida nudists say they will try again next year.