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ALNAV 021/17

MSGID/GENADMIN/SECNAV WASHINGTON DC/-/APR//

SUBJ/U.S. NAVY REGULATIONS, 1990 INTERIM CHANGE//

REF/A/DOC/SECNAV/16SEP90//

NARR/REF A IS THE U.S. NAVY REGULATIONS.//

POC/W. RECORD/CAPT/JAGC/USN/OJAG (CODE 20)/-/LOC: 1254 CHARLES MORRIS
STREET, SE, WASHINGTON NAVY YARD, DC/-/EMAIL: WARREN.RECORD
@NAVY.MIL/-/TEL: (202) 685-7057, DSN 325-7057//

W. PIGOTT/COL/USMC/JAD/-/LOC: 3000 MARINE CORPS PENTAGON, RM 4D557,
WASHINGTON DC/-/EMAIL: WILLIAM.N.PIGOTT@USMC.MIL/-/TEL: (703) 693-9304, DSN
223-9304//

RMKS/1. Pending formal amendment to reference (a), this interim change adds
a new article, Article 1168 to reference (a). This interim change is
effective upon the release of this ALNAV.

2. Article 1168 of reference (a) is added to read as follows:

a. 1168. Nonconsensual distribution or broadcasting of an image

(1) The wrongful distribution or broadcasting of an intimate image is
prohibited.

(2) The distribution or broadcasting is wrongful if the person making
the distribution or broadcast does so without legal justification or excuse,
knows or reasonably should know that the depicted person did not consent to
the disclosure, and the intimate image is distributed or broadcast:

(a) With the intent to realize personal gain;

(b) With the intent to humiliate, harm, harass, intimidate,
threaten, or coerce the depicted person; or

(c) With reckless disregard as to whether the depicted person
would be humiliated, harmed, intimidated, threatened, or coerced.

3. Distribution means the act of delivering to the actual or constructive
possession of another, including transmission by electronic means.

4. "Broadcasting" means the act of electronically transmitting a visual
image with the intent that it be viewed by a person or persons.

5. An intimate image is any visual depiction, including by electronic means,
that:

a. Includes another person who is identifiable from the depiction itself

or from information conveyed in connection with the depiction;

b. Depicts that person engaging in sexually explicit conduct or depicts the private area of that person; and

c. Taken under circumstances in which the person depicted had a reasonable expectation of privacy.

6. "Sexually explicit conduct" is defined in Part IV, paragraph 68b, Manual for Courts-Martial (2016 Edition).

7. "Private area" is defined in Part IV, paragraph 45c, Manual for Courts-Martial (2016 Edition).

8. In lieu of entering this interim change in reference (a), make a bold letter notation after Article 1167 of reference (a), SEE ALNAV 021/17 and file this ALNAV in front of reference (a).

9. This interim change will be incorporated into the next printed revision of reference (a).

10. Released by Sean J. Stackley, Acting Secretary of the Navy.//

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