

114TH CONGRESS  
2D SESSION

# H. R. 6478

To amend title 18, United States Code, to provide criminal and civil remedies for publication of personally identifiable information with the intent to do harm.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2016

Ms. CLARK of Massachusetts introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide criminal and civil remedies for publication of personally identifiable information with the intent to do harm.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate Doxxing  
5 Prevention Act”.

6 **SEC. 2. DISCLOSURE OF PERSONAL INFORMATION WITH**  
7 **THE INTENT TO CAUSE HARM.**

8 (a) IN GENERAL.—Chapter 41 of title 18, United  
9 State Code, is amended by adding at the end the following:

1 **“§ 881. Publication of personally identifiable informa-**  
2 **tion with the intent to cause harm**

3 “(a) PROHIBITION.—Whoever, with the intent to  
4 threaten, intimidate, harass, stalk, or facilitate another to  
5 threaten, intimidate, harass, or stalk, uses the mail or any  
6 facility or means of interstate or foreign commerce to  
7 knowingly publish the personally identifiable information  
8 of another person, and as a result of that publication  
9 places that person in reasonable fear of the death of or  
10 serious bodily injury to—

11 “(1) that person;

12 “(2) an immediate family member of that per-  
13 son; or

14 “(3) an intimate partner of that person,

15 shall be subject to the criminal penalty and the civil liabil-  
16 ity provided by this section.

17 “(b) CRIMINAL PENALTY.—

18 “(1) IN GENERAL.—Whoever violates subsection  
19 (a) shall be fined under this title or imprisoned not  
20 more than 5 years, or both.

21 “(2) REIMBURSEMENT.—

22 “(A) IN GENERAL.—The court, in impos-  
23 ing a sentence on a defendant convicted of an  
24 offense under this section, shall order the de-  
25 fendant to reimburse any party for expenses ne-  
26 cessitated by such offense.

1           “(B) JOINT AND SEVERAL LIABILITY.—A  
2           person ordered to make reimbursement under  
3           this subsection shall be jointly and severally lia-  
4           ble for such expenses with each other person, if  
5           any, who is ordered to make reimbursement  
6           under this subsection for the same expenses.

7           “(C) CIVIL JUDGMENT.—An order of reim-  
8           bursement under this subsection shall, for the  
9           purposes of enforcement, be treated as a civil  
10          judgment.

11          “(c) CIVIL ACTION.—An individual who is a victim  
12          of an offense under this section may bring a civil action  
13          against the perpetrator (or whoever knowingly benefits, fi-  
14          nancially or by receiving anything of value from participa-  
15          tion in a venture which that person knew or should have  
16          known has engaged in an act in violation of this section)  
17          and may recover money damages and any other appro-  
18          priate relief, including reasonable attorney’s fees.

19          “(d) DEFINITIONS.—In this section:

20                 “(1) PUBLISH.—The term ‘publish’ means to  
21                 circulate, deliver, distribute, disseminate, transmit,  
22                 or otherwise make available to another person.

23                 “(2) PERSONALLY IDENTIFIABLE INFORMA-  
24                 TION.—The term ‘personally identifiable informa-  
25                 tion’ means—

1           “(A) any information that can be used to  
2 distinguish or trace an individual’s identity,  
3 such as name, prior legal name, alias, mother’s  
4 maiden name, social security number, date or  
5 place of birth, address, phone number, or bio-  
6 metric data;

7           “(B) any information that is linked or  
8 linkable to an individual, such as medical, fi-  
9 nancial, education, consumer, or employment  
10 information, data, or records; or

11           “(C) any other sensitive private informa-  
12 tion that is linked or linkable to a specific iden-  
13 tifiable individual, such as gender identity, sex-  
14 ual orientation, or any sexually explicit visual  
15 depiction of a person described in clause (1),  
16 (2), or (3) of subsection (a).

17           “(3) IMMEDIATE FAMILY MEMBER.—The term  
18 ‘immediate family member’ means—

19           “(A) the spouse, parent, brother, sister, or  
20 child of the subject of the publication or a per-  
21 son to whom the subject of the publication  
22 stands in loco parentis; or

23           “(B) any other person living in the subject  
24 of the publication’s household and related to the  
25 subject of the publication by blood or marriage.

1           “(4) INTIMATE PARTNER.—The term ‘intimate  
2 partner’ means a person who is or has been in a so-  
3 cial relationship of a romantic or intimate nature  
4 with the subject of the publication, as determined by  
5 the length of the relationship, the type of relation-  
6 ship, and the frequency of interaction between the  
7 persons involved in the relationship.

8           “(5) SEXUALLY EXPLICIT VISUAL DEPICTION.—  
9 The term ‘sexually explicit visual depiction’ means  
10 any photograph, film, video, or other recording or  
11 live transmission of a person, whether produced by  
12 electronic, mechanical, or other means (including de-  
13 pictions that are not stored in a permanent format),  
14 that depicts—

15                   “(A) the lascivious exhibition of the anus,  
16 the post-pubescent female nipple, the genitals,  
17 or the pubic area of any person;

18                   “(B) any actual or simulated sexual con-  
19 tact or sexual act;

20                   “(C) bestiality; or

21                   “(D) sadistic or masochistic conduct.

22           “(e) ATTEMPT AND CONSPIRACY.—Whoever at-  
23 tempts or conspires to violate this section shall be punish-  
24 able in the same manner as a completed violation of this  
25 section.

1       “(f) ACTIVITIES OF LAW ENFORCEMENT.—This sec-  
2 tion does not prohibit any lawfully authorized investiga-  
3 tive, protective, or intelligence activity of a law enforce-  
4 ment agency of the United States, a State, or political sub-  
5 division of a State, or of an intelligence agency of the  
6 United States.”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of chapter 41 title 18, United States  
9 Code, is amended by adding at the end the following new  
10 item:

“881. Publication of personally identifiable information with the intent to cause  
harm.”.

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