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Revenge Porn: A Critical Content Analysis of the Nation's Laws and Reflection upon Social Science Research

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ABSTRACT AND ARTICLE INFORMATION

Though revenge porn is a relatively new phenomenon in popular culture, the first instance can be dated back as early as the 1950s. Despite its nearly 70-year existence, very little is known about this crime or how it is expressed in criminal justice legislation. To further examine the former, the present study analyzes the legislation surrounding revenge porn and reflects upon the scant social science research through a content analysis of the nation's state statutes. Though innovative revenge porn laws were observed, much of this legislation appeared inconsistent with how this crime is perpetrated and is best described as vague and medley. In light of these observations, policy implications and areas of future research are discussed.

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The political career of former Missouri Governor Eric Greitens came to an abrupt halt in 2018 with the following headlines: “Missouri Gov. Eric Greitens Admits to Affair but Denies Blackmail Allegation,” “Missouri Gov. Eric Greitens Indicted,” and “Embattled Missouri Governor Eric Greitens Resigns amid Scandals” (Park et al., 2018; Watkins, 2018; and Foran, 2018, respectively). While affairs and alleged blackmail have a long history of ending political careers, people had trouble contextualizing the events leading up to Governor Greitens’s resignation as either. This prompted Matthews (2018) to examine the allegations against the then Governor in an editorial titled “The Horrifying Sexual Misconduct Allegations Against Missouri Gov. Eric Greitens, Explained.” In this article, Matthews (2018) describes then Governor Greitens actions as “revenge porn” with uncertain criminal implications.¹ Though the alleged² behaviors were appalling and included, according to Matthews (2018), “coercing her to perform oral sex, undressing, kissing and touching her without her consent, and threatening to release a nude photo of her if she told anyone about their encounter,” the headlines associated with Governor Greitens’s resignation were some people’s first exposure to the revenge porn³ phenomenon, though it would not be their last (see contemporary accusations against Congressman Matt Gaetz in Shammass, 2021).

Revenge porn has been described as the distribution of compromising (often nude or sexualized) images without a person’s consent (Citron & Franks, 2014; Fairbairn, 2015; Franklin, 2014). In many instances, revenge porn begins as intimate communication between willing partners. Decisions to dissolve relationships, however, are not often mutual and can cause emotional turmoil. Perpetrators of revenge porn often distribute previously received compromising images of their ex as retribution for breakups. Unfortunately, technological advancements have widened the distribution capabilities of perpetrators, allowing compromising images to be shared (or threaten to be shared) to strangers, coworkers, friends, and family members. Moreover, the social and emotional harm of revenge porn is rarely short lived, as many victims are trapped in a cycle of online harassment, abuse, and shame. Substantively, when former Governor Greitens allegedly threatened to put compromising images of his mistress on the internet, he was employing revenge porn style tactics to coerce his mistress into a continued albeit unwanted relationship.

Though these alleged actions ended Governor Greitens’s political career, there remains great uncertainty around the criminality of these behaviors.⁴ In fact, as a relatively new phenomenon in popular culture, little is known about revenge porn,

and even less is known about its legality (see also McGlynn et al., 2021). To generate a better understanding of revenge porn laws, a systematic content analysis of the Nation’s state statutes is explored in this study. Grounded theory, guided by a coding frame, was utilized to identify trends and anomalies (in)consistent with the scant extant literature on this topic. The results are presented in a narrative that is scrutinized in the discussion section and framed as policy implications for advocates and legislative bodies as they consider the criminalization of revenge porn behaviors. Prior to getting into the data and policy implications, however, this manuscript begins by providing some background on revenge porn and contextualizing this study in the insufficient empirical literature on its harms and the law.

Literature Review

Background

Though the advent of photography likely marks the first opportunity for revenge porn, one of the oldest known incidents dates to the 1950’s when Marilyn Monroe agreed to be photographed nude, only to have the photos surface years later on the cover of *Playboy* magazine without her consent in 1953. Upon the death of *Playboy* founder Hugh Hefner, Fredette (2017) reported that

the publication of the nude photographs caused a scandal that threatened to end burgeoning Monroe’s career. She was forced to explain that she posed for the photos when she needed money and asked for forgiveness from the public. Rolling Stone notes that, according to her biographer, she was “embarrassed, even ashamed.

Monroe would subsequently die of a probable suicide from a barbiturate overdose prescribed to treat her anxiety and depression – conditions brought on, in part, by the humiliation she felt from the *Playboy* publication.

Though photography promulgated revenge porn, the internet has allowed images to reach a wider audience and has made more people susceptible to its greatest harms (Horgan, 2006). In fact, advancements in cell phones, tablets, and laptops have given users on-the-go/remote access to the internet, while social media sites have provided a forum for greater accessibility. To that end, the internet has become an extremely popular tool in interpersonal communication among teens and young adults

(Drouin & Tobin, 2014). The U.S. Department of Commerce, for example, reports that 90% of American youths between the ages of 12 and 17 use computers and by age 10 youths are more likely to use the internet than their adult counterparts (as cited in Power to Decide, 2008). Substantively, relationship building and intimate communications among youths and young adults is often facilitated by the internet.

An example of the latter is colloquially referred to as “sexting,” which involves sending a nude or nearly nude photo or video (Gordon-Messer et al., 2013). According to a survey of 653 teens and 627 young adults (ages 20-26) by Power to Decide (2008), 1 in 5 teenagers and 1 in 3 young adults have engaged in sexting. When asked about this behavior, many respondents claimed that sexting provided them the means for a sexual relationship without a physical relationship. Sexting can also provide intimates reassurance, emotional attachment, and boosted self-esteem (Weisskirch & Delevi, 2011). Despite these potential implications, sexting also poses significant risks.

One of the more infamous instances of sexting turned into revenge porn when twenty-six-year-old Hunter Moore posted nude photos of his ex-girlfriend to an online party promotion platform in 2012 (Calvert, 2015; Stroud, 2014). A week after their breakup, the site – “IsAnyoneUp.com” – had been viewed more than 14,000 times and remained active for approximately 16 months, as site patrons also anonymously submitted their own (semi-)nude photos. Moore’s site gained even more popularity when nude photos of a celebrity⁵ were posted the following year, which promoted a legal response (Stroud, 2014).⁶ In this instance, however, the legality of the site was overwhelmingly framed as a copyright violation and challenged based on legal technicalities, which were ignored by Moore, who believed his actions were protected by the First Amendment (Hill, 2011).

The notoriety of “IsAnyoneUp.com” promoted a global trend. To get out from under his legal challenges, Moore sold his website to a popular anti-bullying campaign in November of 2012, but several copycat sites popped-up thereafter. “Pinkmeth.com,” for example, allowed users to post illicit pictures but went a step further by linking images to social media accounts and allowing users to comment on the images, making the site interactive. “IsAnyBodyDown.com,” another spinoff website, sorted hundreds of anonymously submitted photos into categories such as “Guys,” “Girls,” and “Herpes Confirmed” (Kuruvilla, 2013). The site sequel also included the full names and places of residence for many of its victims. In many of these cases, the severe invasion of the victim’s privacy is believed to be a thrill-seeking behavior observed in perpetrators and

participants, which is satiated by intensifying the victim’s suffering (Franklin, 2014). One of the more recent iterations of these websites is an image board called “4chan.com,” where revenge porn was so pervasive that the Federal Bureau of Investigation was forced to intervene and shut down the immense circulation of revenge porn images (Scheller, 2015). Unfortunately, the existence and growth of revenge porn websites has been accompanied by an increase in its harms.

Harms

Revenge porn is largely perpetuated against women. In fact, 60-70% of revenge porn victims are female (Kitchen, 2015; see also Ruvalcaba & Eaton, 2020). As with many gender-based crimes, female victims often face backlash and ridicule for their perceived involvement in the offense (Bloom, 2014). Women, for example, have been found to face more intense repercussions professionally and socially than their male counterparts (Martens, 2012). Bloom (2014) also reported that women are more likely to be the targets of physical, emotional, and sexual abuse after being victimized by revenge porn. Similarly, revenge porn tends to be associated with immense pain and suffering. In fact, research finds it to be akin to harassment and can prove to be even more insidious and long-lasting, especially considering that the perpetrator has a global audience (Kitchen, 2015). In a survey of 361 victims of revenge porn conducted by the Cyber Civil Rights Initiative, most (82%) victims were found to experience significant impairment in social and occupational settings (as cited in Franks, 2016a). Additionally, Bates (2017), in a study on the mental health effects, found that many revenge porn victims experience trust issues, lowered self-esteem, PTSD, anxiety, depression, and loss of control (see also Eaton & McGlynn, 2020). The study also found that they often suffer with similar mental health issues to sexual assault victims. In 75 interviews with victims-survivors of image-based sexual abuse in the United Kingdom, Australia, and New Zealand, one participant called her revenge porn experience as “torture for the soul” (McGlynn et al., 2021, p. 557). These issues, in an online survey of 3,044 United States residents, were found to be particularly acute among female responders (Ruvalcaba & Eaton, 2020).

Furthermore, research finds that victims of revenge porn cope with these experiences differently. Franks (2016a), for example, found that 42% of revenge porn victims had sought out psychological services stemming from their victimization. Some victims go as far as to start over financially and socially to escape relentless invasions into their privacy. To this point, Scheller (2015) states that many revenge porn victims must find new schools, careers,

and identities to disassociate themselves from their past. In some instances, the lengths victims go to rebuild their lifestyle can cause even more trauma. Bates (2017), based on interviews with 18 revenge porn victims, reported that one of the most influential factors guiding a person's coping mechanisms is derived from the professional treatment they receive following their victimization. They also noted that a victim's perceived severity of the crime may sway them away from positive coping techniques if they feel they will be blamed by law enforcement and/or medical professionals (see also Eaton & McGlynn, 2020). Unfortunately, left untreated, many victims develop toxic coping mechanisms in response to revenge porn, such as binge drinking, self-medication, denial, and obsession (Bates, 2017). Similarly, data shows that 51% of revenge porn victims had experienced suicidal ideation (Bates, 2017). With such great harms, it is no surprise that many revenge porn victims have sought the law for help.

Law

As the number of revenge porn internet sites swelled and their harms became more widespread, so too have calls to criminalize revenge porn. Citron and Franks (2014), for example, in a legal analysis of revenge porn recourse, stated that revenge porn should be criminalized for the same reason other crimes are criminalized: it causes unnecessary harm (see also Eaton & McGlynn, 2020). As of 2012, only Alaska, New Jersey, and Texas had laws against revenge porn or "nonconsensual pornography," as it is often framed in these laws (Franks, 2016a). The New Jersey law (§2C:14-9), for example, explicitly states that revenge porn is an invasion of privacy and that it should be treated as a felony (as cited in Stroud, 2014). Subsequent data from a Lexis-Nexis and Westlaw database search five years later would observe 39 revenge porn statutes (O'Connor et al., 2017). From these data, O'Connor and colleagues (2017) found that "although there is clearly progress in terms of U.S. revenge porn legislation, there are still gaps that exist" (p. 239; see also Eaton & McGlynn, 2020). This is problematic, according to Najdowski (2017) in her analysis of 75 up-skirting, down-blousing, and revenge state statutes, because "legal reform addressing this problem has been insufficient" (p. 154).

Though it remains unclear how many states have criminalized revenge porn today, several scholars have reported that it remains a difficult phenomenon to legislate (Calvert, 2015; Franklin, 2014; Martinez, 2014; Scheller, 2015). Critics of revenge porn laws, for example, say they curtail "too much speech," which has led some states to pass vague and/or unenforceable revenge porn laws (Kitchen, 2015).

Nevertheless, there is some hope for victims and states seeking to create and/or amend their legislation criminalizing revenge porn. In the 2011 Supreme Court case of *Snyder v. Phelps*, the Court held that when "matters of purely private significance are at issue, First Amendment protections are often less rigorous." In other words, the protections afforded to revenge porn as speech are abated when they are not politically motivated or of public concern (Calvert, 2015). Relating to the latter, however, Section 230 of the Communications Decency Act of 1996 protects website administrators who enable revenge porn on their sites by insulating them from legal liability (47 U.S.C. § 230; Scheller, 2015; *Zeran v. America Online*, 1997). This leaves victims of revenge porn with little recourse against site hosts (Scheller, 2015; Stroud, 2014).

Finally, scholars disagree on how revenge porn should be classified. Some, for example, believe it should be considered sexual abuse (McGlynn et al., 2017). Similarly, Bloom (2014) argues that revenge porn "should be classified as a sexual offense because of its similarity to other types of sexual offenses, like sexual assault and sexual harassment" (p. 278). Alternatively, Linkous (2014) suggests that the best way to incorporate revenge porn into law is to include it under cyberstalking, as states already have criminal laws that address this behavior. Franks (2016b) suggests that revenge porn should have its own legal statute like murder and manslaughter. Some scholars even question if it should be criminalized at all. Calvert (2015), for example, argues that many social media websites have thousands of potential revenge porn images that are often willfully given to perpetrators, which could backlog in the criminal justice system (Calvert, 2015). Despite this debate, there is little systematic or recent knowledge about how this phenomenon has been legislated throughout the Nation. This is extremely problematic, as Cole and colleagues (2020) reported, because it could "lead to issues in prosecution and remedies available to victims" (p. 483).

Method

To address these issues, a content analysis of state non-consensual pornography laws was undertaken.

Data Collection

State criminal justice codes and procedures were first collected from ".gov" websites⁷ into a database. To ensure comprehensiveness, laws that appeared even remotely related to the criminal justice system were included (see Appendix A for a comprehensive list of state titles, chapters, or parts

observed in this sampling procedure). To maintain temporal consistency, the data were gathered after the 2016, but prior to the 2017, state legislative sessions. Altogether, there are 25,786,945 words, 37,992 pages, and 130,095 statutes captured in these data (not depicted).

Table 1 describes the measures of central tendency observed among state criminal justice statutes at the state unit of analysis. States vary in the structure of their criminal justice statutes; however, the standard deviation is less than the mean, which indicates that states are similar in scope and that outlying states have little to no impact on the observed estimates. More specifically, state criminal justice laws include, on average, about 760 pages of content, over half a million words, and more than 2,600 individual statutes. Given the breadth and depth of these data, several reliability tests and checks were performed. Each law, for example, was independently processed line-by-line and compared for consistency with the government-sponsored websites from which they were obtained. Based on this process, the error rate was less than 0.01%, which speaks to the quality and consistency of the work performed during our initial data collection.

Table 1: Measures of Central Tendency for Observed Criminal Justice State Statutes

| | Min. | Max. | Mean | Median | S.D. |
|-----------------|---------|-----------|------------|------------|------------|
| Pages | 206 | 2,507 | 759.84 | 682.00 | 411.11 |
| Words | 139,084 | 1,691,034 | 515,738.90 | 456,393.50 | 278,660.14 |
| Statutes | 691 | 7,592 | 2,601.90 | 2,318.50 | 1,299.53 |

Note: Estimates do not include the statute's title or history (where one was provided by the state). Furthermore, estimates are based on each statute beginning a new line or text, Times New Roman 12-point font, and all double spacing has been omitted.

To further examine statutes related to non-consensual pornography, Boolean search terms, including dissemination, disclose, disclosure, distribution, private, invasion of privacy, voyeur, voyeurism, nonconsensual, intimate, image, nude, nudity, obscene, and harassment, were used to identify potentially relevant state statutes. Upon review of the available statutes, additional terms were identified and searched, while we also developed and excluded some statutes based on relevancy. Statutes that were excluded tended to address other, albeit related, offenses, such as sexual assault and stalking. The measures of central tendency for this subsample of revenge porn state statutes also suggest that states are similar in revenge porn scope and are without estimate outliers (see Table 2). States had, on average, 3-4 statutes discussing nonconsensual pornography with 1,353 words of content across 3.45 pages.

Table 2: Measures of Central Tendency for Observed Revenge Porn State Statutes

| | Min. | Max. | Mean | Median | S.D. |
|-----------------|------|-------|-------|--------|--------|
| Pages | 1 | 9 | 3.51 | 3 | 2.02 |
| Words | 116 | 3,985 | 1,353 | 1,167 | 899.39 |
| Statutes | 0 | 11 | 3.73 | 3 | 1.99 |

Note: Estimates do not include the statute's title or history (where one was provided by the state). Furthermore, estimates are based on each statute beginning a new line or text, Times New Roman 12-point font, and all double spacing has been omitted.

At the time of data collection, we were also aware of and praise the Cyber Civil Rights Initiative's effort to identify and disseminate a list of revenge porn state statutes (see Eaton et al., 2017). We subsequently compared the list of statutes our methodology discovered against those found on the Cyber Civil Rights Initiative website and observed our sample to be more exhaustive. The Cyber Civil Rights Initiative presents a single statute for 41 states. Alternatively, our sampling methods identified multiple revenge porn statutes in 49 states (Wyoming withstanding except when involving a minor). The Cyber Civil Rights Initiative website, however, does include American territorial information, which were excluded from these analyses.⁸

Measures and Analytical Strategy

To conceptualize the data, we generated a coding scheme, constructed using grounded theory, and employed hierarchical open and axial coding (Strauss & Corbin, 1988). Once that search was complete and exported to a separate document, data were then coded in the qualitative content analysis tradition. This type of analysis systematically describes the meaning of qualitative material, thereby creating an inductive and case-oriented analytical environment emphasizing the validity of the findings (Fallik & Francis, 2016). The coding scheme framework involved a series of binary questions that illustrated the existence of a theme in each state and open-ended inquiries for the state statute citation and explicit legislative content. Data were then inventoried into the themes presented in the results section by means of subsumption and through a process of segmentation. The coding scheme was then initially pilot tested on five states, and further review allowed for greater thematic conceptualization (Schreier, 2012). Each state was subsequently blindly coded by two independent reviewers, where a coding consistency score of 80% was prominent across all codes in all 50 states. This is considered satisfactory in exploratory analyses such as these (Walther et al., 2013). Where coding variability was encountered, a third independent reviewer accessed the material and

decided which code would apply (i.e., the tie-breaker method). This, however, was a rare phenomenon because most revenge porn legislation is overt in nature. Nevertheless, differences and similarities between legislative content are distinguished in a narrative informed by our knowledge of the extant literature.

Results

Three themes were observed in these data: state statute content that 1) defined non-consensual pornography, 2) expressed the evidence and prosecution of non-consensual pornography cases, and 3) discussed victims of non-consensual pornography.

Defining Non-Consensual Pornography

Non-consensual pornography is criminalized or addressed in all 50 states. It was commonly defined as “when (1) such person intentionally disseminates by electronic or other means a photograph, film, videotape or other recorded image” (Connecticut §53A-189C). Moreover, non-consensual pornography was most often based on the perpetrator’s behaviors. Table 3 describes the behaviors that states most often associated with non-consensual pornography. Sharing (N = 44) and perpetrator behaviors dealing with electronic or computer devices (N = 33), including the distribution of non-consensual pornography through the internet (N = 18), were the most identified activities in non-consensual pornography laws. Within this context, some states (N = 13) noted that non-consensual pornography involved the perpetrator posting images/videos to websites. Wisconsin, for example, defined posting and publishing in non-consensual pornography cases as occurring “on a Web site on the Internet, if the Web site may be viewed by the general public” (§942.09). Similarly, Idaho defines posting as to

- (i) Disseminate with the intent that such image or images be made available by any means to any person; or (ii) Disseminate with the intent that such images be sold by another person; or (iii) Post, present, display, exhibit, circulate, advertise or allow access by any means so as to make an image or images available to the public. (§18-6609)

Colorado and Minnesota’s non-consensual pornography laws specifically identified social media as an outlet for perpetrator behavior (§18-7-108, and §617.261, respectively). In terms of raw counts, Iowa, Mississippi, Nebraska, Montana, Ohio, and South

Carolina did not recognize any specific perpetrator behaviors, whereas California acknowledged the greatest number of perpetrator behaviors in their non-consensual pornography laws (N = 6). Regarding the latter, California’s law states that

- a) every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person’s immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor punishable by up to one year in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. (b) For purposes of this section, “electronic communication device” includes, but is not limited to, telephones, cell phones, computers, Internet Web pages or sites, Internet phones, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), video recorders, fax machines, or pagers. (§653.2)

In several states (N = 7), the definition of non-consensual pornography required the offender to have received a commercial benefit to qualify as a violation. New York, for example, defines the publishing and selling of non-consensual pornography in the following way:

- 6. “Publish” means to (b) disseminate with the intent that such images be sold by another person; 7. “Sell” means to disseminate to another person, as defined in subdivision five of this section, or to publish, as defined in subdivision

Table 3: Behaviors That Constitute Non-Consensual Pornography

| | Electronic/Computer/Device | Cyber/Internet | Social Media | Threatening | Posting | Sharing | Allowing | Other |
|----------------|----------------------------|----------------|--------------|-------------|---------|---------|----------|-------|
| Alabama | X | | | X | X | X | | |
| Alaska | X | | | | | X | | |
| Arizona | X | | | X | | X | | |
| Arkansas | | | | X | | X | X | |
| California | X | X | | X | X | X | X | |
| Colorado | X | X | X | | X | X | | |
| Connecticut | X | | | | | X | | |
| Delaware | X | X | | | X | X | | |
| Florida | X | X | | | | X | | |
| Georgia | X | X | | | X | X | | X |
| Hawaii | X | X | | | | X | | |
| Idaho | X | | | X | X | X | | |
| Illinois | X | X | | | X | X | | |
| Indiana | X | X | | | X | X | | |
| Iowa | | | | | | | | |
| Kansas | X | | | X | | X | | |
| Kentucky | X | X | | | | X | | |
| Louisiana | | | | | | X | | X |
| Maine | X | | | X | X | X | | |
| Maryland | X | X | | | X | X | | |
| Massachusetts | X | | | | | X | | |
| Michigan | X | X | | X | | X | | |
| Minnesota | X | X | X | | X | X | | |
| Mississippi | | | | | | | | |
| Missouri | X | | | X | | X | | |
| Montana | | | | | | | | |
| Nebraska | | | | | | | | |
| Nevada | X | | | X | | X | | |
| New Hampshire | | | | X | | X | | |
| New Jersey | X | | | X | X | X | | |
| New Mexico | X | | | X | | X | X | |
| New York | | | | | | X | | |
| North Carolina | X | | | | | X | X | |
| North Dakota | X | X | | | | X | X | |
| Ohio | | | | | | | | |
| Oklahoma | | | | X | | X | | |
| Oregon | | X | | | | X | | |
| Pennsylvania | | | | X | | X | | |
| Rhode Island | | | | X | | X | | |
| South Carolina | | | | | | | | |
| South Dakota | X | | | | | X | | |
| Tennessee | | | | | | X | | |
| Texas | X | X | | X | | X | X | |
| Utah | X | | | | | X | X | |
| Vermont | | X | | X | | X | | |
| Virginia | X | X | | | | X | | |
| Washington | X | | | | | X | | |
| West Virginia | X | | | X | | X | | |
| Wisconsin | X | X | | | X | X | | |
| Wyoming | | | | X | | X | | |
| Total N | 33 | 18 | 2 | 20 | 13 | 44 | 7 | 2 |

six of this section, in exchange for something of value. (§250.40)

Likewise, Rhode Island's non-consensual pornography law penalizes "any person who demands payment of money, property, services or anything else of value from a person in exchange for removing" images in violation (§11-64-3; see also Nevada §200.785).

States (N = 7) also clarified jurisdictional issues of non-consensual pornography and maintained that their laws only apply if the violation took place within their jurisdiction or if the victim resided in their jurisdiction at the time of the violation. Regarding the former, for example, Florida's non-consensual pornography law states that "a violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs in this state" (§784.049; see also Rhode Island §11-64-3). Similarly, Georgia, Michigan, Minnesota, and Pennsylvania require non-consensual pornography offenses to have been perpetrated within their states but add that the victim must also reside within the jurisdiction (§16-11-90, §750.411s, §617.261, and §3131, respectively). Jurisdiction differed greatly in Virginia, which claimed jurisdiction over all images "created by any means whatsoever [if] produced, reproduced, found, stored, received, or possessed in violation of this section" (§18.2-387; see also Minnesota §617.261). Substantively, terms, perpetrator behaviors, and jurisdiction varied considerably state-to-state.

Evidence and Prosecution of Non-Consensual Pornography Cases

In all 50 states, non-consensual pornography complemented another offense in the criminal code (Table 4). The most observed complementary offense was harassment (N = 41), followed by voyeurism (N = 26), invasion of privacy (N = 26), and stalking (N = 22). The following Kentucky non-consensual pornography statute includes voyeurism as a complementary offense:

(1) A person is guilty of video voyeurism when he or she intentionally: (a) Uses or causes the use of any camera, videotape, photo optical, photoelectric, or other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or nipple of the female breast of another person without that

person's consent; and (b) Uses or divulges any image so obtained for consideration; or (c) Distributes any image so obtained by live or recorded visual medium, electronic mail, the Internet, or a commercial on-line service.

Victims of revenge porn oftentimes experience additional acts of aggression from perpetrators, and there are several instances where states shifted the evidentiary burden in non-consensual pornography cases onto victims. Most states (N = 45), for example, required evidence of the perpetrator's purpose or intent, followed by proof that the offender sent the image (N = 43). In Iowa, for example, "a person who knowingly views, photographs, or films another person, for the purpose of arousing or gratifying the sexual desire of any person, commits invasion of privacy" (§709.21). Alternatively, in Oregon, substantial evidence is required to prove disclosures, and "'disclose' includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer" (§163.472). Similarly, a few states, such as New Hampshire, define perpetrator intent as to "intimidate, threaten, or coerce the depicted person" (§644:9-a). In many states (N = 41), the statute implies that the offender should have known or did know that the victim did not consent to the posting of their image, thus exempting the possibility of neglect (e.g., in Washington):

A person commits the crime of disclosing intimate images when the person knowingly discloses an intimate image of another person and the person disclosing the image: (a) Obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private; (b) Knows or should have known that the depicted person has not consented to the disclosure; and (c) Knows or reasonably should know that disclosure would cause harm to the depicted person. (§9A-86-010)

Several states specified affirmative defenses to excuse perpetrator behaviors. The most frequently cited affirmative defenses were public interest (N = 28) and consent (N = 25), followed by private investigation/security (N = 6 [not depicted]). Similarly, states excluded telecommunications personnel (N = 31), legal/legitimate business conduct (N = 25), newsworthy events (N = 6), and corrections

Table 4: Offenses That Complement Non-Consensual Pornography

| | Harassment | Voyeurism | Stalking | Invasion of Privacy | Other |
|----------------|------------|-----------|----------|---------------------|-------|
| Alabama | X | X | X | X | X |
| Alaska | X | X | X | | |
| Arizona | | X | | | |
| Arkansas | X | | | | |
| California | X | | | X | |
| Colorado | X | X | | | |
| Connecticut | | X | X | | |
| Delaware | X | | | X | X |
| Florida | | X | | | X |
| Georgia | X | | X | X | |
| Hawaii | X | | X | X | |
| Idaho | X | X | | | |
| Illinois | | | | X | X |
| Indiana | X | X | | | |
| Iowa | X | | | X | |
| Kansas | X | | | X | X |
| Kentucky | X | X | | | |
| Louisiana | X | X | X | X | |
| Maine | X | | X | X | |
| Maryland | X | | X | | X |
| Massachusetts | X | X | | | |
| Michigan | X | X | X | X | X |
| Minnesota | X | | | X | |
| Mississippi | X | X | X | | X |
| Missouri | X | X | | X | |
| Montana | X | | | X | |
| Nebraska | X | X | X | | |
| Nevada | X | X | X | X | |
| New Hampshire | X | X | | X | |
| New Jersey | X | | X | X | |
| New Mexico | X | X | | | |
| New York | X | X | | | |
| North Carolina | | | X | | X |
| North Dakota | X | | X | | |
| Ohio | | X | | | |
| Oklahoma | X | | | | |
| Oregon | X | | | X | |
| Pennsylvania | X | X | | X | |
| Rhode Island | X | X | X | | |
| South Carolina | X | | X | | |
| South Dakota | X | | | X | |
| Tennessee | X | X | X | X | |
| Texas | X | | X | X | X |
| Utah | X | X | X | | X |
| Vermont | | X | | | X |
| Virginia | X | | | X | X |
| Washington | | X | X | X | |
| West Virginia | | | | X | |
| Wisconsin | X | | X | X | X |
| Wyoming | X | | | | |
| Total N | 41 | 26 | 22 | 26 | 14 |

(N = 6) from non-consensual pornography laws (not depicted). Texas, for example, provides the following affirmative defenses:

(f) It is an affirmative defense to prosecution under Subsection (b) or (d) that: (1) the disclosure or promotion is made in the course of: (A) lawful and common practices of law enforcement or medical treatment; (B) reporting unlawful activity; or (C) a legal proceeding, if the disclosure or promotion is permitted or required by law; (2) the disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of: (A) the person's intimate parts; or (B) the person engaging in sexual conduct; or (3) the actor is an interactive computer service, as defined by 47 U.S.C. Section 230, and the disclosure or promotion consists of visual material provided by another person.

Similarly, Wisconsin frames this issue as instances where the statute does not apply:

(b) This subsection does not apply to any of the following: ... 2. A law enforcement officer or agent acting in his or her official capacity in connection with the investigation or prosecution of a crime. 3. A person who posts or publishes a private representation that is newsworthy or of public importance. 4. A provider of an interactive computer service, as defined in 47 USC 230 (f) (2), or to an information service or telecommunications service, as defined in 47 USC 153, if the private representation is provided to the interactive computer service, information service, or telecommunications service by a 3rd party.

When categorizing the seriousness of non-consensual pornography, there was a wide range of offense classifications (see Table 5). States most frequently classified non-consensual pornography as a Class A Misdemeanor (N = 14), followed by a Class C Felony (N = 4), or a Third-Degree Offense (N = 4).

Table 5: Non-Consensual Pornography Seriousness and Penalties

| | N | % |
|-------------------------------|----|----|
| Offense Seriousness | 0 | 0 |
| Class A Felony | 2 | 4 |
| Class B Felony | 4 | 8 |
| Class C Felony | 3 | 6 |
| Class D Felony | 2 | 4 |
| Class 4 Felony | 1 | 2 |
| Class 5 Felony | 14 | 28 |
| Class A Misdemeanor | 2 | 4 |
| Class B Misdemeanor | 2 | 4 |
| First Degree | 2 | 4 |
| Second Degree | 4 | 8 |
| Third Degree | 2 | 4 |
| Fourth Degree | 2 | 4 |
| Aggravating Factors | 27 | 54 |
| Other | 0 | 0 |
| Penalties | | |
| Fine or Surcharge | 14 | 28 |
| Eligible for Pretrial Release | 2 | 4 |
| Protection Orders | 2 | 4 |
| Injunction | 2 | 4 |
| Jail or Imprisonment | 11 | 22 |
| Forfeiture of Property | 4 | 8 |
| Other | 2 | 2 |

Alabama and New Hampshire categorized non-consensual pornography with the highest classification as a Class B felony for a first offense (§13A-6-241 and §644:9-a). Alternatively, Iowa had the lowest classification for non-consensual pornography (i.e., an aggravated misdemeanor; see §709.21).

Attributions of seriousness were also prominent in terms of penalties for non-consensual pornography (see also Table 5). The most frequently identified penalty among these laws was a fine or surcharge (N = 14), followed by jail or imprisonment (N = 11). The smallest fine was issued in Wyoming, to individuals whose victims were under the age of 18 and was not to exceed \$250.00 (§6-4-305). Alternatively, the largest fine was in Georgia and was not to exceed \$100,000 (§16-11-90). Fines, however, most commonly ranged from \$5,000.00 to \$10,000.00. Jail and imprisonment terms were similarly varied. In Wyoming, for example, non-consensual pornography perpetrators under the age of 18 could receive no more

than three months in a juvenile detention facility (§6-4-305), while Georgia mandated non-consensual pornography offenders receive no less than one year but no more than five years (§16-11-90). States that had jail/prison sentence penalties most often ranged between one and two years.

Although less common, nine states consider the offender's criminal history as an aggravating factor when determining the severity of the offense. Delaware, for example, states that

the fact the actor committed this offense within 5 years of a prior conviction for a violation of this paragraph (a)(9) shall be an aggravating factor for sentencing purposes only and, therefore, this fact is not to be alleged in the charging information or indictment and does not constitute an element of the offense. (§1335)

Similarly, a key indicator of the seriousness of this crime was the number of times this offense was perpetrated. In 22 states, for example, the first instance of non-consensual pornography qualifies for the most serious of criminal penalties, while nine states have stricter provisions in cases with two or more instances of non-consensual pornography. Regarding the latter, Georgia's law states,

(c) Any person who violates this Code section shall be guilty of a misdemeanor of a high and aggravated nature; provided, however, that upon a second or subsequent violation of this Code section, he or she shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not more than \$100,000.00, or both. (§16-11-90 Article 3)

Some states (N = 18) did not acknowledge prior convictions in their laws, and thus, the number of times the offense was committed is not part of seriousness calculations.

Unfortunately, many states (N = 31) shield web service providers from non-consensual pornography liability. To that end, the following text was common:

Nothing in this section shall be construed to impose liability upon

the following entities solely as a result of content or information provided by another person: (1) an interactive computer service as defined in United States Code, title 47, section 230, paragraph (f), clause (2); (2) a provider of public mobile services or private radio services; or (3) a telecommunications network or broadband provider. (Minnesota §617.261)

Victims of non-consensual pornography in these states have little recourse against social media sites like Facebook, Instagram, or Twitter when they fail to enforce their own non-consensual pornography policies.

How Victims are Discussed in Non-Consensual Pornography

Victims of non-consensual pornography were frequently discussed among the state statutes. Many states (N = 30), for example, presume that victims have an expectation of privacy when it comes to their own explicit materials. Likewise, several states (N = 24) noted that victims of non-consensual pornography can experience negative effects, including emotional distress. Michigan, for example, notes that victims of non-consensual pornography may feel "terrorized, frightened, intimidated, threatened, harassed, or molested" by this crime (750.411s).

A few states (N = 6) sanction the destruction or removal of the images that are determined to be in violation of their non-consensual pornography laws. North Carolina, for example, states that "the court may award the destruction of any recording (image) made in violation of this section" (§14-190.5A; see also Hawaii §711-110.9). Similarly, Kentucky uniquely requires that images "that are in possession of law enforcement, the prosecution, or the court" (as an artifact of an investigation) also be destroyed (§531-090). To that end, Massachusetts's non-consensual pornography law describes who shall have access to non-consensual pornography evidence during a court proceeding. It states,

(g) A photograph, videotape or other recorded visual image, depicting a person who is nude or partially nude or which depicts a person's sexual or other intimate parts that is part of any court record arising from a prosecution under this section, shall not be open to public inspection and shall only be

made available by court personnel to a law enforcement officer, prosecuting attorney, defendant's attorney, defendant, or victim connected to such prosecution for inspection, unless otherwise ordered by the court. (h) In a prosecution under this section, a justice of the superior court or district court may issue appropriate orders to restrain or prevent the unlawful dissemination of a person's visual image in violation of this section. (§4-1-272-105)

Alternatively, Oklahoma orders “the defendant to remove the disseminated image should the court find it is in the power of the defendant to do so” but does not specify who will remove the images if the defendant is incapable (§21-1040). Moreover, although some states authorized the removal of media in violation of non-consensual pornography laws, they do not specify how this is to be carried out or who is to oversee this mandate.

Discussion

The events leading up to the resignation of Missouri Governor Eric Greitens brought to light an emerging threat – that of revenge porn (Calvert, 2015; Citron & Franks, 2014; Kitchen, 2015). Though reserved to a few instances in history, the internet has brought revenge porn to the forefront of the Nation's consciousness. To that ends, revenge porn sites have gone mainstream on social media platforms, which generally operate with impunity (Kuruvilla, 2013; Stroud, 2014). Though the extant literature reports that some states have sought to address this phenomenon, scholars have been questioned its Constitutionality (Franklin, 2014) and classification (Calvert, 2015). Furthermore, little systematic or recent research exists on revenge porn, which comes at a great emotional, social, and professional consequence to victims (Bates, 2017; Bloom, 2014; Scheller, 2015).

To overcome these gaps in our knowledge, this study collected every state criminal justice law in a simple Boolean searchable database. Statutes unrelated to revenge porn were filtered out in these analyses, and these data were found to be more exhaustive than those offered by the Cyber Civil Rights Initiative. Using grounded theory to conceptualize the data, an inductive coding scheme was generated, pilot tested for reliability on a subsample of five state statutes, and amended for conceptual clarity through a process of segmentation. States were then double blind coded by two coders and

inconsistencies were rectified using the tie-breaker method by a third independent coder, though this was a rare occurrence. In fact, there was satisfactory consistency across all codes (Walther et al., 2013). Finally, patterns in the data were presented in a narrative that is guided by our knowledge of the revenge porn extant literature.

More specifically, three themes were observed in these data, including state statutes that 1) defined revenge porn, 2) expressed evidence and prosecution of revenge porn cases, and 3) discussed victims of revenge porn. While each state has criminalized revenge porn, their legal definitions varied and were, at times, at odds with how the crime is perpetrated (e.g., commercial benefit language and jurisdictional issues). Still, most states did focus their definitions on perpetrator behaviors. As it relates to evidence of revenge porn, several obstacles to investigations and prosecutions were found, including a shift in the evidentiary burden to victims and legislation requiring proof of perpetrator intent to cause harm. As it relates to state attributions of revenge porn seriousness, states also varied considerably. Finally, many states expressed that people have an expectation of privacy that is inconsistent with revenge porn, but few sanctioned the removal of revenge porn images or legislated who should have access to revenge porn evidence during court proceedings. Substantively, the Nation's revenge porn laws are best described as a patchwork of legislation (see Cole et al., 2020; Eaton & McGlynn, 2020; Najdowski, 2017; O'Connor et al., 2017).

Policy Implications

Despite revenge porn being criminalized throughout the Nation, there are several policy implications from these findings. Many states, for example, have appropriately adopted revenge porn legislation that is based on perpetrator behaviors (sans Iowa, Mississippi, Nebraska, Montana, Ohio, and South Carolina). Some of these laws, however, rely on broad expressions, such as “distributes,” “posts,” and/or “disseminates” without offering further clarity. This, unfortunately, burdens courts with interpreting legislative intent and could expose revenge porn victims to criminal justice system biases. To address this issue, activists and legislative bodies should follow California and Idaho's lead by incorporating descriptive terms like “third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading” and explicitly define vague terms (§653.2 and §18-6609, respectively).

The lone exception to this call for greater specificity is with technology. Legislation often lags significantly behind technological advancements.

In these data, for example, only 33 states explicitly recognize that revenge porn is often perpetrated through electronic/computer devices, only 18 states framed revenge porn as aided by the internet, and only two states indicated that revenge porn could be facilitated by social media platforms. Though we encourage states to adopt these conceptualizations of revenge porn perpetration, we do not believe that states need to specify types of computers, web browsers, or social media platforms. We encourage, therefore, activists and legislative bodies to adopt broad conceptualizations of technology as it contributes to revenge porn.

Based on these analyses, states should also reflect upon whether their laws unreasonably shift evidentiary burdens to victims. In 41 states, for example, revenge porn legislation implies guilt if the perpetrator knew or should have known that the victim did not consent to their images being shared. This phrasing could promulgate victim-blaming type questions from investigators and prosecutors (e.g., Did you tell your ex-girlfriend that the photos were for his eyes only? How would your ex-boyfriend know you did not want the video shared?) and officiates perpetrator responsibility in cases of neglect. Regarding the latter, we do not believe revenge porn should be treated any different than other crimes. States should, if they do not already, express that individuals have a reasonable expectation of privacy and use explicit language to describe what is “reasonable” (as Illinois, Louisiana, Michigan, Missouri, New Hampshire, Oklahoma, and Washington have done). Neglect, we believe, is inconsistent with this standard.

Additionally, states should reevaluate the seriousness of revenge porn in their legislation. In these data, revenge porn was categorized as a felony in fewer than half of the states (prior to aggravation) and was associated with a wide range of penalties. Regarding the former, non-felonious categorizations of revenge porn seem inconsistent with its lasting impact and the often-malicious intent of perpetrators. Regarding penalty ranges across the states, it is not required or even necessarily advisable for states to have the exact same penalties for the same offenses. States, of course, are incubators of public policy and a lot can be gleaned from how they differentially approach new phenomenon. It is problematic, however, when the same behavior can receive a \$250 fine in Wyoming and up to 5 years in prison in Georgia (§16-11-90). Though most states have penalties between these polarities, greater consistency is likely needed.

Fifth, many states need to reevaluate the responsibility of websites in furthering revenge porn victimization. In these data, 31 states shielded

websites from liability when their platforms host revenge porn content. Websites have a responsibility to revenge porn victims to act with due diligence by 1) having procedures in place to swiftly address revenge porn, 2) making an honest effort to monitor content, 3) allowing users to report problematic content, 4) making referrals of potential cases to law enforcement, and 5) cooperating with law enforcement during revenge porn investigations. Though Michigan is a leader in this area by requiring websites to act “in good faith, and without knowledge of the specific nature of the message posted,” more is needed (§750.411s).

Finally, states need to provide greater victim care. This has and should be formulated in several ways throughout revenge porn legislation. First, revenge porn victims should be explicitly mentioned as eligible for victim compensation funds. Unfortunately, Colorado (§18-7-107; 18-7-108) was the only state to do so, leaving revenge porn victims vulnerable to the criminal justice system’s biases. Moreover, assistance offered to revenge porn victims should not be limited to the financial costs associated with their victimization, but should also address the lasting impact of revenge porn through psychological services (i.e., a trauma-informed approach). Likewise, a threat of revenge porn perpetration should be met with a victim-centered access to resources in the law as actual revenge porn perpetration. To that end, Rhode Island and Texas offer model legislation (see §21.16 and §11-64-3, respectively). Finally, several states, including Hawaii (§711-110.9), Kentucky (§531.020 and §531.100), Massachusetts (§105), North Carolina (§14-190.5A), Oklahoma (§21-1040), and Vermont (§2606) sanction the destruction or removal of the images that are determined to be in violation of their revenge porn laws. This should be the norm among revenge porn legislation (not the exception); however, existing laws need to go further to identify how this is to be carried out and who is to oversee this mandate.

Limitations and Areas of Future Research

Though there is a lot to glean from these data, these analyses are not without their limitations, which should be addressed in subsequent studies. Content analysis, for example, is subjective/interpretive in nature. To enhance the reliability of our study, the data were line-by-line reviewed for consistency, and states were coded blindly by two independent reviewers with few irregularities. This is primarily due to the development of an explicit coding frame and overt nature of revenge porn legislation. Despite our best efforts, however, coding was performed by lay, non-legal scholars, and their conceptualizations may differ from individuals with legal training, which should be addressed in future research.

Furthermore, our inclusion and exclusion criteria for this sample were limited to state criminal justice statutes. Purposefully excluded from these data were civil-, case-, and international-law, which would have made these data and analyses unmanageable. Nevertheless, these are critical aspects in understanding revenge porn laws albeit ancillary to these analyses. A revenge porn case law analysis, for example, could express how vague laws have been interpreted by the courts, which is a prudent exploration based on our findings. Substantively, subsequent revenge porn legal analyses should seek to triangulate these findings among civil-, case-, and international-law. Similarly, these data were collected following 2016, but prior to the 2017, state legislative sessions. It is evident from these analyses that there is a great opportunity to advance revenge porn state legislation, and therefore, we encourage researchers to constantly review revenge porn laws for consistency with the available social science research and seek to replicate this study to understand how revenge porn laws change over time.

Finally, these data sought to describe the landscape of revenge porn laws throughout the Nation. Though some scholars argue that more laws will reduce revenge porn harms and/or give the criminal justice system the tools to pursue revenge porn perpetrators (Franks, 2016a; Kitchen, 2015; Linkous, 2014), these analyses do not purport to understand the effectiveness of revenge porn laws. Rather, our analyses provide a framework for advocates and legislatures to adopt legislation that fits their local needs, while our policy recommendations are grounded in the scant prior empirical literature. Future analyses, however, should aim to understand the efficacy of individual revenge porn laws.

Conclusion

Though the alleged events leading up to former Missouri Governor Eric Greitens's resignation appear to have put an end to his legal career, advancements in technology and sexting acceptance among intimates suggests that revenge porn is likely to continue to be an issue with emotional, social, and professional consequences. Unfortunately, a content analysis of the Nation's revenge porn laws observed piecemeal revenge porn legislation with room for improvement. Though some innovative revenge porn laws were identified, many more were found to be inconsistent with how this crime is perpetrated. Accordingly, we recommend that advocates and legislative bodies 1) assess the specificity of the existing revenge porn laws, 2) reevaluate the penalties associated with revenge porn, and 3) specify victim services in their revenge porn legislation. These

reforms, we believe, will reduce incidents and the harms associated with revenge porn.

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Endnotes

- ¹ Revenge porn was one of several alleged incidents of misconduct documented by Matthews (2018).
- ² Felony charges were later dropped against former Missouri Governor Greitens (Vazquez, 2018).
- ³ Some researchers (Ruvalcaba & Eaton, 2019; Eaton & McGlynn, 2020) have taken issue with “revenge porn” as a phrase for this phenomenon and report that it is an oversimplification of a complex phenomenon. While we tend to agree with these critiques, “revenge porn” remains how most states contextualize this phenomenon in their laws (see O’Connor et al., 2017), and in these analyses, we felt that it is more important to let the statutes speak for themselves, rather than impose our own values onto our research approach.
- ⁴ In an odd nod to the accusations against him, the former Governor signed a law criminalizing revenge porn on his last day in office, though the law was prohibited from being applied retroactively (Hancock, 2018).
- ⁵ In an effort to prevent additional undue attention and harm, the authors have decided to withhold the identity of the celebrity.
- ⁶ While female victims were frequently harmed, male musicians began posting their own nude photos to Moore’s site to garner similar exposure for their bands (Martens, 2012).
- ⁷ While it would have been preferable for statutes to have been collected from the same source (i.e., state legislative body), there is little consistency in which government agencies publish this information.
- ⁸ This sampling approach is different from similar databases, like Westlaw, Findlaw, and LexisNexis, as they are limited by algorithms and ranking systems, which could lead to omissions of important content that may not otherwise be available. As an alternative to these databases, these data provide a more holistic approach to assessing states’ revenge porn laws and procedures by giving researchers the ability to set their own inclusion and exclusion criteria.

Appendix: Data Collected from Each State

| State, Source, Last Updated | Mean (SD) |
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| Alabama State Legislature 2017 | 12 (Courts), 13A (Criminal Code), 14 (Criminal Correctional and Detention Facilities) and 15 (Criminal Procedure) |
| Alaska State Legislature 2017 | 11 (Criminal Law) and 12 (Code of Criminal Procedure) |
| Arizona State Legislature 2017 | 8 (Child Safety), 12 (Courts and Civil Proceedings), 13 (Criminal Code), 21 (Juries), 22 (Justice and Municipal Courts), and 31 (Prisons and Prisoners) |
| Arkansas Bureau of Legislative Research 2017 | 5 (Criminal Offenses), 12 (Law Enforcement, Emergency Management, and Military Affairs), and 16 (Practice, Procedure, and Courts) |
| California State Legislature 2017 | California Penal Code |
| Colorado Official Publisher of Revised Statutes 2017 | 16 (Criminal Procedures), 17 (Corrections), 18 (Criminal Code), 19 (Children's Code), 20 (District Attorney's), and 21 (State Public Defenders) |
| Connecticut General Assembly 2017 | 51 (Courts), 53 (Crimes), 53a (Penal Code), 54 (Criminal Procedure), and 55 (Concluding Provisions) |
| Delaware General Assembly 2017 | 10 (Courts and Judicial Procedures) and 11 (Crimes and Criminal Procedures) |
| Florida State Legislature 2017 | XLVI (Crimes) and XLVII (Criminal Procedure and Corrections) |
| Georgia General Assembly 2017 | 15 (Courts), 16 (Crimes and Offenses), 17 (Criminal Procedure), 35 (Law Enforcement Officers and Agencies), and 42 (Penal Institutions) |
| Hawaii State Legislature 2017 | 37 (Hawaii Penal Code), 32 (Courts and Court Officers), 33 (Evidence), 34 (Pleadings and Procedure), 35 (Appeal and Error), 37 (Hawaii Penal Code), and 38 (Procedural and Supplementary Provisions) |
| Idaho State Legislature 2017 | 1 (Courts and Court Officials), 2 (Juries and Jurors), 6 (Actions in Particular Cases), 7 (Special Proceedings), 9 (Evidence), 16 (Juvenile Proceedings), 17 (Appeals), 18 (Crimes and Punishment), 19 (Criminal Procedure), and 20 (State Prisons and County Jails) |
| Illinois General Assembly Rolling | 720 (Criminal Offenses), 725 (Criminal Procedure), and 730 (Corrections) |
| Indiana General Assembly 2016 | 31 (Family Law and Juvenile Law), 33 (Courts and Court Officers), and 35 (Criminal Law and Procedure) |
| Iowa State Legislature 2017 | XV (Judicial Branch and Judicial Procedures) and XVI (Criminal law and Procedure) |
| Kansas State Legislature 2017 | 20 (Courts), 21 (Crimes and Punishments), 22 (Crimes and Punishment), 33 (Statute of Frauds; Fraudulent Conveyances), and 43 (Jurors) |
| Kentucky State Legislature 2017 | XL (Crimes and Punishment), L (Kentucky Penal Code), LI (Unified Juvenile Code), Kentucky Rules of Evidence |

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| Louisiana State Legislature Rolling | 13 (Courts and Judicial Procedure), 14 (Criminal Law), and 15 (Criminal Procedure) |
| Maine State Legislature 2016 | 15 (Court Procedure – Criminal), 16 (Court Procedure – Evidence), 17 (Crimes), and 17A (Maine Criminal Code) |
| Maryland General Assembly 2017 | Courts and Judicial Proceedings, Criminal Procedures, and Criminal Law |
| Massachusetts General Court 2017 | III (Courts, Judicial Officers, and Proceedings in Civil Cases) and IV (Crimes, Punishments, and Proceedings in Criminal Cases) |
| Michigan State Legislature 2016 | 28 (Michigan State Police), 30 (Civilian Defense), 37 (Civil Rights), 49 (Prosecuting Attorney's), 50 (County Clerks), 51 (Sheriffs), 52 (Coroners), 328 (Dead Human Bodies), 335 (Drugs), 691 (Judiciary), 692 (Judiciary), 722 (Children), 729 (Police Courts), 730 (Justice Courts and Municipal Courts), 750 (Michigan Penal Code), 752 (Crimes and Offenses), 760-777 (Code of Criminal Procedure), 780 (Criminal Procedure), 791 (Department of Corrections), 798 (Corrections), 800 (Prisons), 801 (Jails and Workhouses), 802 (Houses of Correction) 803 (Youth Training and Rehabilitation), and 804 (Girl's Training Schools) |
| Minnesota Office of the Revisor of Statutes 2016 | 553-566 (Declaratory, Corrective, and Administrative Remedies), 570-583 (Post Judgement Remedies; Alternative Dispute Resolution; Bonds), 585-590 (Extraordinary Writs; Contempt; Post-Conviction Relief), 593 (Juries), 595-603 (Evidence), 609-624 (Crimes, Expungement; Victims), 625-634 (Criminal Procedure, Peace Officers, Privacy of Communications), 636-643 (Local Jail Facilities; Lockups; Workhouse; Juvenile Offender Care, Pardons), and 609 (Criminal Code) |
| Mississippi The State of Mississippi 2017 | 97 (Crimes) and 99 (Criminal Procedure) |
| Missouri State Legislature 2016 | 40-44 (Military affairs and police), 217-221 (Correctional and Penal Institutions), 476-488 (Courts), 490-493 (Evidence and Legal Advertisements), 494-494 (Juries), 540-552 (Criminal Procedures), and 556-600 (Crimes and Punishment; Peace Officers and Public Defenders) |
| Montana State Legislature 2017 | 44 (Law Enforcement), 45 (Crimes and Punishment), 46 (Criminal Procedure), and 47 (Access to Legal Services) |
| Nebraska State Legislature Rolling | 24 (Courts), 27 (Courts, Rules of Evidence), 28 (Crimes and Punishments), and 29 (Criminal Procedure) |
| New Hampshire General Court Rolling | VII (Sheriffs, Constables, and Police Officers), VIII (Public Defense and Veterans' Affairs), LI (Courts), LIII (Proceedings in Court), LVIII (Public Justice), LIX (Proceeding in Criminal Cases), LX (Correction and Punishment), and LXII (Criminal Code) |
| New Jersey State Legislature 2016 | 2B (Court Organization and Civil Code) and 2C (The New Jersey Code of Criminal Justice) |
| New Mexico District Court 2017 | 29 (Law Enforcement), 30 (Criminal Offenses), 31 (Criminal Procedure), 32A (Children's Code), 33 (Correctional Institutions), 34 (Court Structure and Administration), 37 (Limitations of Actions (Abatement and Revivor), and 38 (Trials) |

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| New York State Legislature 2017 | COR (Correction), CRC (New York City Criminal Court), CPL (Criminal Procedure), JUD (Judiciary), and PEN (Penal) |
| North Carolina General Assembly 2016 | 14 (Criminal Law), 15 (Criminal Procedure), 15a (Criminal Procedure Act.), 15b (Victims Compensation), 15c (Address Confidentiality Program), 17A (Law-Enforcement Officers), 17B (North Carolina Criminal Justice Education and Training System), 17C (North Carolina Criminal Justice Education and Training Standards Commission), 17D (North Carolina Justice Academy), 17E (North Carolina Sheriffs' Education and Training Standards Commission), 50B (Domestic Violence), 50C (Civil No-Contact Orders), 50D (Permanent Civil No Contact Order Against Sex Offender on Behalf of Crime Victim), and 74E (Campus Police Act) |
| North Dakota State Legislature 2017 | 12 (Corrections, Parole, and Probation) 12.1 (Criminal Code), 29 (Judicial Procedure, Criminal), 31 (Juridical Proof), and 32 (Judicial Remedies) |
| Ohio General Assembly 2017 | 19 (Courts – Municipal – Mayor's County), 21 (Courts – Probate – Juvenile), 23 (Courts – Common Pleas), 25 (Courts – Appellate), 27 (Courts – General Provisions – Special Remedies), and 29 (Crimes – Procedure) |
| Oklahoma State Legislature Rolling | 20 (Courts), 21 Crimes and Punishments), and 22 (Criminal Procedure) |
| Oregon State Legislature 2016 | 16 (Crimes and Punishments) |
| Pennsylvania State Legislature 2017 | 18 (Crimes and Offenses), 22 (Detectives and Private Police), 33 (Frauds, Statute of), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice), and 61 (Prisons and Patrol) |
| Rhode Island General Assembly 2016 | 8 (Courts and Civil Procedure – Courts), 9 (Courts and Civil Procedure – Procedure Generally), 10 (Court and Civil Procedure – Procedure in particular actions), 11 (Criminal Offenses), 12 (Criminal Procedure), 13 (Criminals – Correctional Institutions), and 14 (Delinquent and Dependent Children) |
| South Carolina State Legislature 2016 | 14 (Courts), 15 (Criminal Remedies), 16 (Crimes and Offenses), 17 (Criminal Procedures), 18 (Appeals), and 19 (Evidence) |
| South Dakota State Legislature 2017 | 16 (Courts and Judiciary), 19 (Evidence), 20 (Personal Rights and Obligations), 21 (Judicial Remedies), 22 (Crimes), 23 (Law Enforcement), 23A (Criminal Procedure), and 24 (Penal Institutions, Probation and Parole) |
| Tennessee The State of Tennessee 2016 | 16 (Courts), 24 (Evidence and Witnesses), 37 (Juveniles), 39 (Criminal Offenses), 40 (Criminal Procedure), and 41 (Correctional Institutions and Inmates) |
| Texas State Legislature 2017 | Code of Criminal Procedure and Texas Penal Code |
| Utah State Legislature 2017 | 25 (Fraud), 75 (Utah Criminal Code), 77 (Utah Criminal Procedure), 78A (Judiciary and Judicial Administration), and 78B (Judicial Code) |
| Vermont General Assembly 2016 | 12 (Court Procedures) and 13 (Crimes and Criminal Procedure) |
| Virginia General Assembly 2017 | 16.1 (Courts Not of Record), 17.1 (Courts of Record), 18.2 (Crimes and Offenses Generally), 19.2 (Criminal Procedure), 52 (Police (State)), and 53.1 (Prisons and Other Methods of Correction) |

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| Washington State Legislature 2016 | 2 (Courts of Record), 3 (District Courts – Courts of Limited Jurisdiction), 5 (Evidence), 6 (Enforcement of Judgments), 7 (Special Proceedings and Actions), 9 (Crimes and Punishment), 9A (Washington Criminal Code), 10 (Criminal Procedure), 13 (Juvenile Courts and Juvenile Offenders), 71 (Mental Illness), and 71A (Developmental Disabilities) |
| West Virginia State Legislature 2017 | 17G (Racial Profiling Data Collection Act), 25 (Division of Corrections), 28 (State Correctional and Penal Institutions), 51 (Courts and their Officers), 52 (Juries), 53 (Extraordinary Remedies), 56 (Pleading and Practice), 57 (Evidence and Witnesses), 58 (Appeal and Error), 60A (Uniform Controlled Substances Act), 61 (Crimes and Their Punishment), and 62 (Criminal Procedure) |
| Wisconsin State Legislature 2017 | 164-177 (Police Regulations), 301-304 (Corrections), 750-758 (Courts), 800 (Municipal Court Procedure), 885-895 (Provisions Common to Actions and Proceedings in All Courts), 898 (Relief of Prisoners), 901-911 (Evidence), 938 (Juvenile Justice Code), 939-951 (Criminal Code), 961 (Controlled Substances), and 967-980 (Criminal Procedures) |
| Wyoming State Legislature 2017 | 5 (Courts), 6 (Crimes and Offenses), and 7 (Criminal Procedure) |