



**An Bille um Chiapadh, Cumarsáid Dhochrach agus
Cionta Gaolmhara (Leasú) (Uimh. 2), 2026**
**Harassment, Harmful Communications and Related
Offences (Amendment) (No. 2) Bill 2026**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM CHIAPADH, CUMARSÁID DHOCHRACH
AGUS CIONTA GAOLMHARA (LEASÚ) (UIMH. 2), 2026
HARASSMENT, HARMFUL COMMUNICATIONS AND
RELATED OFFENCES (AMENDMENT) (NO. 2) BILL 2026**

EXPLANATORY MEMORANDUM

Purpose of Bill

Under the law as it currently stands, a person who records, publishes or distributes an intimate image of another person without consent, or who threatens to distribute or publish such an image without consent, is guilty of an offence. These offences are provided for by sections 2 and 3 of the Harassment, Harmful Communications and Related Offences Act 2020. Section 1 of that Act defines ‘intimate image’ in such a way that it does not extend to fake representations of identifiable persons that have been generated by computer software. Further, the Act does not appear to impose any liability on a social media platform that makes software available to facilitate the generation of such images. The purpose of this Bill is to address these two gaps in the legislative framework.

Provisions of Bill

Section 1 is a short definition section, providing that references in the Bill to the “Act of 2020” mean the Harassment, Harmful Communications and Related Offences Act 2020.

Section 2 safeguards against the retrospective application of the amendments made by this Bill to the Act of 2020.

Section 3 amends the definition of “intimate image” that is set out in section 1 of the Act of 2020. The amendment provides, as is currently the case, that “intimate image”, in relation to a person, means any visual representation made by any means including any photographic, film, video or digital representation—

- of what is, or purports to be the person’s genitals, buttocks or anal region and, in the case of a female, her breasts,
- of the underwear covering the person’s genitals, buttocks or anal region and, in the case of a female, her breasts,
- in which the person is nude, or
- in which the person is engaged in sexual activity.

The amendment goes on to provide that the definition also includes a visual representation that has been generated or modified, by computer-graphics or otherwise, so as to fall within one of those categories.

Section 4 inserts a new section 2A, headed “Generation of intimate images by computer-graphics”, into the Act of 2020. By this new section,

a person who by computer-graphics generates an intimate image of another person without the other person's consent, for the purpose of distributing or publishing the image, is guilty of an offence. The section also provides that a person who encourages or knowingly causes or facilitates the generation by computer-graphics of an intimate image of another person for the purpose of its distribution or publication without the other person's consent is guilty of an offence.

By subsection (2), where in a prosecution for an offence under the section it is proved that a person has generated an intimate image of another person using computer-graphics software made available to users by a social media service, it is to be presumed in the proceedings, until the contrary is proved, that the image was generated for the purpose of distribution or publication and that the social media service provider knowingly facilitated the generation of the image for that purpose.

"Social media service" is defined as meaning a website or software application that permits a person who is a registered user of the service, has an account with the service or creates a profile with the service to—

- create, share and view user-generated content on the website or application,
- generate content on the website or software application that can be viewed by other users of the service, or
- communicate with other users of the service.

Finally, the section provides that a person guilty of an offence under these new provisions is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or to both, and, on conviction on indictment, to a fine or imprisonment for a term not exceeding seven years, or to both.

*Alan Kelly, TD,
Feabhra, 2026.*