

House Bill 2376

Sponsored by Representative DALLUM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases penalty for invasion of personal privacy if victim is minor to maximum of five years' imprisonment, \$125,000 fine, or both.

Provides that felony invasion of personal privacy is sex crime requiring registration.

A BILL FOR AN ACT

1
2 Relating to invasion of personal privacy; creating new provisions; and amending ORS 163.700 and
3 181.594.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 163.700 is amended to read:

6 163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-
7 sonal privacy if:

8 (a)(A) The person knowingly makes or records a photograph, motion picture, videotape or other
9 visual recording of another person in a state of nudity without the consent of the person being re-
10 corded; and

11 (B) At the time the visual recording is made or recorded the person being recorded is in a place
12 and circumstances where the person has a reasonable expectation of personal privacy; or

13 (b)(A) For the purpose of arousing or gratifying the sexual desire of the person, the person is
14 in a location to observe another person in a state of nudity without the consent of the other person;
15 and

16 (B) The other person is in a place and circumstances where the person has a reasonable ex-
17 pectation of personal privacy.

18 (2) As used in this section:

19 (a) "Makes or records a photograph, motion picture, videotape or other visual recording" in-
20 cludes, but is not limited to, making or recording or employing, authorizing, permitting, compelling
21 or inducing another person to make or record a photograph, motion picture, videotape or other
22 visual recording.

23 (b) "Nudity" means uncovered, or less than opaquely covered, post-pubescent human genitals,
24 pubic areas or a post-pubescent human female breast below a point immediately above the top of the
25 areola. "Nudity" includes a partial state of nudity.

26 (c) "Places and circumstances where the person has a reasonable expectation of personal pri-
27 vacy" includes, but is not limited to, a bathroom, dressing room, locker room that includes an en-
28 closed area for dressing or showering, tanning booth and any area where a person undresses in an
29 enclosed space that is not open to public view.

30 (d) "Public view" means that an area can be readily seen and that a person within the area can
31 be distinguished by normal unaided vision when viewed from a public place as defined in ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 161.015.

2 (3)(a) **Except as otherwise provided in paragraph (b) of this subsection**, invasion of personal
3 privacy is a Class A misdemeanor.

4 (b) **Invasion of personal privacy is a Class C felony if the person being recorded or being**
5 **observed is less than 18 years of age.**

6 **SECTION 2.** ORS 181.594 is amended to read:

7 181.594. As used in ORS 181.595, 181.596, 181.597 and 181.603:

8 (1) "Attends" means is enrolled on a full-time or part-time basis.

9 (2)(a) "Correctional facility" means any place used for the confinement of persons:

10 (A) Charged with or convicted of a crime or otherwise confined under a court order.

11 (B) Found to be within the jurisdiction of the juvenile court for having committed an act that
12 if committed by an adult would constitute a crime.

13 (b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient
14 facility only as to persons detained therein charged with or convicted of a crime, or detained therein
15 after being found guilty except for insanity under ORS 161.290 to 161.370.

16 (3) "Institution of higher education" means a public or private educational institution that pro-
17 vides a program of post-secondary education.

18 (4) "Sex crime" means:

19 (a) Rape in any degree;

20 (b) Sodomy in any degree;

21 (c) Unlawful sexual penetration in any degree;

22 (d) Sexual abuse in any degree;

23 (e) Incest with a child victim;

24 (f) Using a child in a display of sexually explicit conduct;

25 (g) Encouraging child sexual abuse in any degree;

26 (h) Transporting child pornography into the state;

27 (i) Paying for viewing a child's sexually explicit conduct;

28 (j) Compelling prostitution;

29 (k) Promoting prostitution;

30 (L) Kidnapping in the first degree if the victim was under 18 years of age;

31 (m) Contributing to the sexual delinquency of a minor;

32 (n) Sexual misconduct if the offender is at least 18 years of age;

33 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;

34 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent
35 or by a person found to be within the jurisdiction of the juvenile court;

36 **(q) Felony invasion of personal privacy;**

37 [(q)] **(r)** Any attempt to commit any of the crimes set forth in paragraphs (a) to [(p)] **(q)** of this
38 subsection;

39 [(r)] **(s)** Burglary, when committed with intent to commit any of the offenses listed in paragraphs
40 (a) to [(p) or (s)] **(q) or (t)** of this subsection; or

41 [(s)] **(t)** Public indecency or private indecency, if the person has a prior conviction for a crime
42 listed in this subsection.

43 (5) "Sex offender" means a person who:

44 (a) Has been convicted of a sex crime;

45 (b) Has been found guilty except for insanity of a sex crime;

1 (c) Has been found to be within the jurisdiction of the juvenile court for having committed an
2 act that if committed by an adult would constitute a sex crime; or

3 (d) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a
4 crime that would constitute a sex crime if committed in this state.

5 (6) "Works" or "carries on a vocation" means full-time or part-time employment for more than
6 14 days within one calendar year whether financially compensated, volunteered or for the purpose
7 of governmental or educational benefit.

8 **SECTION 3. The amendments to ORS 163.700 and 181.594 by sections 1 and 2 of this 2007**
9 **Act apply to offenses committed on or after the effective date of this 2007 Act.**

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