

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Judiciary Committee, 2014 Oregon Legislative Assembly

From: Mark McKechnie, Executive Director, Youth, Rights & Justice

Date: February 12, 2014

Re: **Recommended changes to SB 1550**

Chair Prozanski and Members of the Committee:

Youth, Rights & Justice has represented over 50,000 children and youth in the juvenile court system since 1975. Current brain research shows that youth lack the same capacity as adults do to understand the consequences of their actions and to inhibit impulsive behavior.

We are concerned that SB 1550 will result in overly harsh treatment of youth who engage in behaviors that are inappropriate but also a result of their immaturity. The proposed enhancement to the crime of Invasion of Personal privacy is aimed toward those who would seek to exploit children under 12 by photographing or recording them in places where they have an expectation of privacy.

Unfortunately, this law would also make it a Class C felony for a 12 year-old to photograph or record an 11 year-old as a prank in the school locker room or restroom. Cell phones that are able to photograph and record video, in addition to children's natural curiosity and lack of impulse control, have made it very easy for minors to engage in such behaviors. The behavior is clearly inappropriate and youth who engage in this behavior deserve appropriate consequences, but the proposed changes in SB 1550 would be overly harsh and a waste of public safety resources in this scenario. There are also other possible scenarios involving childish pranks at camps, swimming pools, slumber parties and other events where children of various ages congregate, as well. We don't believe that "juvenile" behavior in these contexts warrant felony charges.

Youth, Rights & Justice strongly urges the committee to amend SB 1550 to exclude individuals under the age of 18 from the provisions in this bill that elevate the offense from a misdemeanor to a felony.

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