

# Senate Bill 1550

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## 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**.

Modifies crime of invasion of personal privacy. Expands certain definitions related to crime. Elevates crime to Class C felony, punishable by maximum of five years' imprisonment, \$125,000 fine, or both, if victim is under 12 years of age.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to crime; amending ORS 163.700; and declaring an emergency.

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

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

5 163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-  
6 sonal privacy if:

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

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

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

15 (B) The other person is in a place and circumstances where the person has a reasonable ex-  
16 pectation of personal privacy~~].~~; **or**

17 **(c)(A) For the purpose of arousing or gratifying the sexual desire of any person, the**  
18 **person knowingly views another person, or makes or records a photograph, motion picture,**  
19 **videotape or other visual recording of another person, without the other person's knowledge**  
20 **or consent; and**

21 **(B) At the time the other person is viewed, or at the time the visual recording of the**  
22 **other person is made or recorded, the other person is in a place and circumstances where**  
23 **the person has a reasonable expectation of personal privacy.**

24 (2) As used in this section:

25 (a) "Makes or records a photograph, motion picture, videotape or other visual recording" in-  
26 cludes, but is not limited to, making or recording or employing, authorizing, permitting, compelling  
27 or inducing another person to make or record a photograph, **digital image**, motion picture, vide-  
28 otape or **any** other visual recording **or transmission**.

29 (b) "Nudity" means any part of the uncovered or less than opaquely covered:

**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 (A) Genitals;

2 (B) Pubic area; or

3 (C) Female breast below a point immediately above the top of the areola.

4 [(c) "*Places and circumstances where the person has a reasonable expectation of personal*  
5 *privacy*" includes, but is not limited to, a bathroom, dressing room, locker room that includes an en-  
6 *closed area for dressing or showering, tanning booth and any area where a person undresses in an*  
7 *enclosed space that is not open to public view.*]

8 [(d)] (c) "**Open to public view**" means that an area can be readily seen and that a person within  
9 the area can be distinguished by normal unaided vision when viewed from **a location that is:**

10 (A) A public place as defined in ORS 161.015; **and**

11 (B) **A place where the viewer is not a trespasser.**

12 (d) "**Place and circumstances where the person has a reasonable expectation of personal**  
13 **privacy**" includes, but is not limited to, any room in a person's residence, a bathroom, a  
14 dressing room, a locker room that includes an enclosed area for dressing or showering, a  
15 tanning booth and any area where a person undresses in an enclosed space that is not open  
16 to public view.

17 (e) "**Views**" means intentionally looking at another person for more than a brief period  
18 of time, in other than a casual or cursory manner, with the unaided eye or with a device  
19 designed or intended to improve visual acuity.

20 (3)(a) Invasion of personal privacy is a Class A misdemeanor.

21 (b) **Notwithstanding paragraph (a) of this subsection, invasion of personal privacy is a**  
22 **Class C felony if the victim is under 12 years of age.**

23 **SECTION 2. This 2014 Act being necessary for the immediate preservation of the public**  
24 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**  
25 **on its passage.**

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