

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Eric Deitrick, Counsel

Meeting Dates: 2/10, 2/18

WHAT THE MEASURE DOES: Creates crime of unlawful dissemination of an intimate image. Defines terms. Creates exceptions.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed -1 Amendment clarifies that crime does not apply to the provider of an interactive computer service.

BACKGROUND: It is increasingly common for people to share intimate pictures of themselves with other people. Typically, these exchanges occur in the context of an intimate relationship. If the person receiving an intimate picture chooses to publish that picture to a public website, the website manager may charge a fee to remove the picture. The Federal Communications Decency Act immunizes website managers from liability when other people post content on their website. Further, the First Amendment and the Oregon Constitution provide protection for speech, even when unpopular or potentially injurious.

Senate Bill 188 creates a new crime – the unlawful dissemination of an intimate image. The bill focuses on nonconsensual disclosure of an intimate picture to a website with a specific intent to harass, humiliate, or injure another person. The first violation is a Class A Misdemeanor, with each subsequent violation being a Class C Felony.