

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Eric Deitrick, Counsel

Meeting Dates: 3/10

WHAT THE MEASURE DOES: Modifies “Invasion of Privacy” statute to prohibit the nonconsensual recording or viewing of another when there is a sexual intent and the person viewed has a reasonable expectation of privacy.

ISSUES DISCUSSED:

- Judicial interpretation of value and whether images have inherent value under theft statutes.
- Examples of people who have had their intimate images stolen.

EFFECT OF COMMITTEE AMENDMENT: Proposed (-2) amendment replaces measure. Modifies “Computer Crime” statute to specifically include “theft of an intimate image” as prohibited conduct.

BACKGROUND: On February 18, 2015, this committee held a public hearing on Senate Bill 188. That bill proposed a new law – the unlawful dissemination of an intimate image. During the hearing, there was testimony and discussion about how theft of a digital image from a computer related to Oregon’s theft statutes. Specifically, there was discussion about the “value” of a digitized intimate image.

Currently, ORS 164.377 makes it a Class C Felony to use a computer to commit an act of theft. Senate Bill 188 modifies ORS 164.377 and specifically adds “theft of an intimate image” to prohibited conduct.