

**PRELIMINARY** STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

**SUBSEQUENT REFERRAL TO:**

**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** Eric Deitrick, Counsel

**Meeting Dates:** 5/11

**WHAT THE MEASURE DOES:** Modifies crime of “Invasion of Personal Privacy” to prohibit the nonconsensual recording of another person’s intimate areas. Defines terms.

**ISSUES DISCUSSED:**

- Young students and cell phones
- Specific instance of person having a digital image taken of their intimate area
- Phenomenon of sharing captured images on social media

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-A6) amendment resolves conflicts with House Bill 2356. In addition, it adds an emergency clause.

**BACKGROUND:** ORS 163.700 defines the crime of Invasion of Personal Privacy, which prohibits the nonconsensual recording or viewing of a person when that person is in a private place and nude. House Bill 2596 A expands the statute to prohibit the nonconsensual recording of a person’s intimate areas, regardless of whether that person is nude or in a private place. The prohibition only applies when the victim has a reasonable expectation of privacy concerning the intimate area, meaning that (1) the person intended to protect the intimate area from being seen and (2) the person has not exposed the intimate area to public view.