

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: No revenue impact**FISCAL: Fiscal statement issued****SUBSEQUENT REFERRAL TO: Ways and Means****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Eric Deitrick, Counsel**Meeting Dates:** 5/11

WHAT THE MEASURE DOES: Modifies Invasion of Privacy statute to include two degrees of offenses. Increases penalties for recidivists and those who make recordings of others.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-A9) amendment is a conflict amendment. It removes the “upskirting” provision that is already included in House Bill 2596-A. In addition, it adds ORS 163.700 to the criminal code.

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. Currently, the offense is a Class A misdemeanor. In addition, House Bill 2596-A added a new provision to ORS 163.700 by eliminating a loophole and prohibiting “upskirting,” which is recording another person’s intimate parts.

House Bill 2356-A incorporates the concept of HB 2596-A. In addition, it increases penalties for recidivists and those who make recordings of others. Invasion of Privacy in the First Degree would be a Class C felony, with a crime category of 6 on the felony sentencing guidelines. Sex offender registration would be discretionary if the court finds it appropriate for public safety. It would apply to conduct prohibited by current ORS 163.700(1)(a) – those who knowingly record another person in a state of nudity without consent when that person has an expectation of privacy. Invasion of Privacy in the First Degree would also apply to those who, at the time of the offense, have a previous conviction for private indecency, public indecency, or a sex crime. Invasion of Privacy in the Second Degree would apply to all other conduct and remain a Class A misdemeanor.