

June 2015

Co-Chair Shields and Co-Chair Williamson and members of the Ways and Means Public Safety Subcommittee,

Thank you for allowing the time to address this important issue. I introduced HB 2356 during my time as State Representative from House District 19 in order to move Oregon's laws forward in an attempt to keep up with rapidly developing technology. HB 2356 was drafted due to the courage of Ashley Buckle and her mother Cathy McInnis who have taken a horrific situation and responded by trying to change the law for future victims.

This bill changes the classification of a crime from a misdemeanor to a felony in very specific circumstances. When an individual has a reasonable expectation to privacy, such as a bathroom or bedroom, or in the safety of their own home, and are secretly videotaped, the offender should be held to a higher level of accountability than is current state law. This bill impacts a small, but egregious, group of predators. It comes before you with strong, bipartisan support. It passed out of the House with a 60-0 vote and unanimously out of the Senate Judiciary Committee.

The bill was generated out of the personal experience of Ashley Buckle and mother Cathy McInnis. This past fall, Ashley's step-father was charged with burglary, stalking, and invasion of privacy in both Marion and Benton Counties. There were seven victims in this case. He left a hidden camera in the bathrooms and bedrooms of these women and stored the images on a thumb drive. He is spending nearly four years in prison, but not for secretly videotaping these girls, but because he was charged and convicted of burglary. There were three counts of burglary and 14 counts of invasion of privacy in Ashley's case alone. There are other recent cases being investigated in Albany, Happy Valley, and most recently Beaverton. The situation in Happy Valley involved live streaming a teenage female house sitter. There were two cameras strategically placed in the master bathroom that the alleged offender encouraged the girls to use. The individual is being charged with three counts of invasion of privacy and if convicted, it is unlikely that he will receive any jail time, due to the classification of that crime as a misdemeanor.

Currently in Oregon, a conviction of invasion of personal privacy, regardless of the age of the victim, is a misdemeanor. I started this process with Ashley and her mother Cathy and Ashley's friends and roommate's. But since then, I have been contacted from people from around this state thanking me for introducing this legislation and advocating its passage. I have heard from victims, family members and private citizens who are outraged that this crime is virtually going unpunished.

HB 2356 would make the invasion of privacy a class C felony. Changing the classification of a crime is significant. It should be. We are a nation of both justice and mercy. This should be evident in our criminal justice system. This crime needs to be reclassified. The predatory nature, sexual distinctions, and potential image longevity of this crime should be reflective in its classification. I don't believe the current classification of a misdemeanor, regardless of the victim's age or circumstances, provides the appropriate accountability for the offender or justice for the victim. With increasing technology, Oregon's current statute is inadequate to address this crime. Once captured, these images have the potential to remain in cyberspace forever. The victim's privacy was not simply compromised in places where they should be safest, but could continue to be compromised in the future. I urge your support for HB 2356.

The projected fiscal impact is not huge, but I understand that every state dollar should be carefully spent. I believe that the projected costs of implementation is a worthy expenditure in an effort to provide district attorneys and judges the needed authority to hold these predators accountable for a crime that cuts to the heart of an individual's right to privacy. When you are in your own home, in your own bedroom or a bathroom alone it is reasonable to expect privacy. When these individuals realized that they were videotaped without permission in a place they should feel safe, they felt terribly violated. And then to come to understand how weak our current laws are in addressing this crime is an additional violation. HB 2356 is important to bring accountability to the offender and justice for the victim. I urge your support and passage.

Thank you for your time and consideration.

Sincerely,

Denyc Boles
Salem, OR