

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY

MEASURE: HB 2596 A
CARRIER: Rep. Buckley
Rep. Olson

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/26/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/18, 03/26

Vote:

Yeas: 6 - Barker, Barton, Greenlick, Krieger, Olson, Post

Exc: 3 - Lininger, Sprenger, Williamson

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies crime of “Invasion of Personal Privacy.” Defines terms.

ISSUES DISCUSSED:

- Current events in which intimate areas were recorded, but statute not violated
- Need to ensure proposed bill meets constitutional requirements and is narrowly tailored to instances where a person intends to keep areas private
- Section 2 of the bill is identical to language of Senate Bill 188

EFFECT OF COMMITTEE AMENDMENT:

Eliminates Section 2 of the bill and clarifies language in Section 1. Defines “intimate areas” and “reasonable expectation of privacy.”

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. Section 1 of 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.

In addition, Section 2 of House Bill 2596 A creates a new crime – the Unlawful Dissemination of an Intimate Image. 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.

House Bill 2596 A fixes a problem with ORS 163.700 and prohibits the recording of another person’s intimate areas in public places, even when that person is wearing undergarments. It eliminates Section 2 of the bill, as it is duplicitous to Senate Bill 188.