

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/02/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/10, 04/02

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies “Computer Crime” statute to specifically include “theft of an intimate image” as prohibited conduct. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

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

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

BACKGROUND:

On February 18, 2015, Senate Judiciary 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 monetary “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 377 A modifies ORS 164.377 and specifically adds “theft of an intimate image” to prohibited conduct.