

STAFF MEASURE SUMMARY

CARRIER: Rep. Post

House Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/21/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/18, 04/21

Vote:

Yeas: 8 - Barker, Barton, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Nays: 1 - Greenlick

Prepared By: Eric Deitrick, Counsel

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:

- Specific examples of criminal prosecutions
- Whether current penalties for offense are sufficient
- Effect of House Bill 2596 on this bill

EFFECT OF COMMITTEE AMENDMENT:

Modifies ORS 163.700 and creates two degrees of Invasion of Privacy. Establishes that Invasion of Privacy in the First Degree 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. Establishes that 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. Establishes the offense as a crime category 6 under the felony sentencing guidelines. Sex offender registration is a discretionary if court finds it appropriate for public safety. Establishes that Invasion of Privacy in the Second Degree would apply to all other conduct and remain a Class A misdemeanor.

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 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 increases penalties for recidivists and those who make recordings of others.