

STAFF MEASURE SUMMARY

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/06/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 05/06

Vote:

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

Exc: 1 - Sprenger

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies “Computer Crime” statute to specifically include “theft of an intimate image” as prohibited conduct. Amends ORS 137.540 by re-ordering the general conditions of probation. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Specific examples of thefts of intimate photos
- Appellate definition of “value” under theft statutes
- HB 3194 added one general condition of probation. This was placed at the top of the list, which caused statutory condition (d) to become (e), (e) to become (f), etc. This affects the Department of Corrections and Community Corrections software and protocol.

EFFECT OF COMMITTEE AMENDMENT:

Adds technical re-ordering of the general conditions of probation so that the chronological order is symmetrical with the general conditions of post-prison supervision as it was prior to HB 3194 from the 2013 legislative session.

BACKGROUND:

On February 18, 2015, the 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 whether Oregon’s theft statutes prohibited the theft of digitized images. Specifically, there was discussion about the monetary “value” of digitized intimate images. Currently, ORS 164.377 makes it a Class C Felony to use a computer to commit an act of theft.

Senate Bill 377-B modifies ORS 164.377 to specifically add “theft of an intimate image” as prohibited conduct. In addition, it provides a technical fix to ORS 137.540.