

**A-Engrossed**  
**House Bill 2596**

Ordered by the House March 31  
Including House Amendments dated March 31

Sponsored by Representatives BUCKLEY, OLSON, HACK; Representatives KENY-GUYER, PILUSO, VEGA PEDERSON (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that person who records another person's intimate areas commits crime of invasion of personal privacy.

*[Creates crime of unlawful dissemination of an intimate image. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both for first offense, and five years' imprisonment, \$125,000 fine, or both for subsequent offense.]*

**A BILL FOR AN ACT**

1  
2 Relating to personal privacy; amending ORS 161.005 and 163.700.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 163.700 is amended to read:

5 163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-  
6 sonal privacy if:

7 (a)(A) The person knowingly makes or records a photograph, motion picture, videotape or other  
8 visual recording of another person in a state of nudity without the consent of the person being re-  
9 corded; and

10 (B) At the time the visual recording is made or recorded the person being recorded is in a place  
11 and circumstances where the person has a reasonable expectation of personal privacy; *[or]*

12 (b)(A) For the purpose of arousing or gratifying the sexual desire of the person, the person is  
13 in a location to observe another person in a state of nudity without the consent of the other person;  
14 and

15 (B) The other person is in a place and circumstances where the person has a reasonable ex-  
16 pectation of personal privacy~~].~~; **or**

17 **(c)(A) The person knowingly makes or records a photograph, motion picture, videotape**  
18 **or other visual recording of another person's intimate area without the consent of the per-**  
19 **son being recorded; and**

20 **(B) The person being recorded has a reasonable expectation of privacy concerning the**  
21 **intimate area.**

22 (2) As used in this section:

23 (a) **"Intimate area" means nudity, or undergarments that are being worn by a person and**  
24 **are covered by clothing.**

25 [(a)] (b) "Makes or records a photograph, motion picture, videotape or other visual recording"  
26 includes, but is not limited to, making or recording or employing, authorizing, permitting, compelling

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or inducing another person to make or record a photograph, motion picture, videotape or other  
2 visual recording.

3 [(b)] (c) "Nudity" means any part of the uncovered or less than opaquely covered:

4 (A) Genitals;

5 (B) Pubic area; or

6 (C) Female breast below a point immediately above the top of the areola.

7 [(c)] (d) "Places and circumstances where the person has a reasonable expectation of personal  
8 privacy" includes, but is not limited to, a bathroom, dressing room, locker room that includes an  
9 enclosed area for dressing or showering, tanning booth and any area where a person undresses in  
10 an enclosed space that is not open to public view.

11 [(d)] (e) "Public view" means that an area can be readily seen and that a person within the area  
12 can be distinguished by normal unaided vision when viewed from a public place as defined in ORS  
13 161.015.

14 (f) **"Reasonable expectation of privacy concerning the intimate area" means that the**  
15 **person intended to protect the intimate area from being seen and has not exposed the inti-**  
16 **mate area to public view.**

17 (3) Invasion of personal privacy is a Class A misdemeanor.

18 **SECTION 2.** ORS 161.005 is amended to read:

19 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290  
20 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,  
21 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to  
22 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to  
23 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433,  
24 163.505 to 163.575, 163.665 to 163.693, **163.700**, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205  
25 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109,  
26 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057,  
27 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350,  
28 167.810 and 167.820 shall be known and may be cited as Oregon Criminal Code of 1971.

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