

**B-Engrossed**  
**House Bill 2596**

Ordered by the Senate May 21  
Including House Amendments dated March 31 and Senate Amendments  
dated May 21

Sponsored by Representatives BUCKLEY, OLSON, HACK, Senator GELSER; Representatives BARTON, DOHERTY, EVANS, FAGAN, FREDERICK, GALLEGOS, GOMBERG, GORSEK, HELM, KENY-GUYER, LININGER, MCLAIN, NATHANSON, PILUSO, READ, REARDON, TAYLOR, VEGA PEDERSON, WILLIAMSON, Senator THATCHER (Pre-session 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.

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to personal privacy; creating new provisions; amending ORS 161.005 and 163.700; repealing  
3 section 1, chapter \_\_\_, Oregon Laws 2015 (Enrolled House Bill 2356); and declaring an emer-  
4 gency.

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

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

7 163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-  
8 sonal privacy if:

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

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

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

17 (B) The other person is in a place and circumstances where the person has a reasonable ex-  
18 pectation of personal privacy[.]; or

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

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

24 (2) As used in this section:

25 (a) **"Intimate area" means nudity, or undergarments that are being worn by a person and**

**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 **are covered by clothing.**

2 [(a)] (b) “Makes or records a photograph, motion picture, videotape or other visual recording”  
3 includes, but is not limited to, making or recording or employing, authorizing, permitting, compelling  
4 or inducing another person to make or record a photograph, motion picture, videotape or other  
5 visual recording.

6 [(b)] (c) “Nudity” means any part of the uncovered or less than opaquely covered:

7 (A) Genitals;

8 (B) Pubic area; or

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

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

14 [(d)] (e) “Public view” means that an area can be readily seen and that a person within the area  
15 can be distinguished by normal unaided vision when viewed from a public place as defined in ORS  
16 161.015.

17 (f) “Reasonable expectation of privacy concerning the intimate area” means that the  
18 person intended to protect the intimate area from being seen and has not exposed the inti-  
19 mate area to public view.

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

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

22 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290  
23 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,  
24 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to  
25 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to  
26 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433,  
27 163.505 to 163.575, 163.665 to 163.693, **163.700**, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205  
28 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,  
29 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057,  
30 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350,  
31 167.810 and 167.820 shall be known and may be cited as Oregon Criminal Code of 1971.

32 **SECTION 3. If House Bill 2356 becomes law, section 1, chapter \_\_, Oregon Laws 2015**  
33 **(Enrolled House Bill 2356) (amending ORS 163.700), is repealed.**

34 **SECTION 4.** If House Bill 2356 becomes law, ORS 163.700, as amended by section 1 of this 2015  
35 Act, is amended to read:

36 163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-  
37 sonal privacy **in the second degree** if:

38 [(a)(A) *The person knowingly makes or records a photograph, motion picture, videotape or other*  
39 *visual recording of another person in a state of nudity without the consent of the person being recorded;*  
40 *and]*

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

43 [(b)(A)] (a)(A) For the purpose of arousing or gratifying the sexual desire of the person, the  
44 person is in a location to observe another person in a state of nudity without the consent of the  
45 other person; and

1 (B) The other person is in a place and circumstances where the person has a reasonable ex-  
2 pectation of personal privacy; or

3 [(c)(A)] (b)(A) The person knowingly makes or records a photograph, motion picture, videotape  
4 or other visual recording of another person's intimate area without the consent of the **other** person  
5 [*being recorded*]; and

6 (B) The person being recorded has a reasonable expectation of privacy concerning the intimate  
7 area.

8 (2) As used in this section **and section 2, chapter \_\_, Oregon Laws 2015 (Enrolled House**  
9 **Bill 2356)**:

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

12 (b) "Makes or records a photograph, motion picture, videotape or other visual recording" in-  
13 cludes, but is not limited to, making or recording or employing, authorizing, permitting, compelling  
14 or inducing another person to make or record a photograph, motion picture, videotape or other  
15 visual recording.

16 (c) "Nudity" means any part of the uncovered or less than opaquely covered:

17 (A) Genitals;

18 (B) Pubic area; or

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

20 (d) "Places and circumstances where the person has a reasonable expectation of personal pri-  
21 vacy" includes, but is not limited to, a bathroom, dressing room, locker room that includes an en-  
22 closed area for dressing or showering, tanning booth and any area where a person undresses in an  
23 enclosed space that is not open to public view.

24 (e) "Public view" means that an area can be readily seen and that a person within the area can  
25 be distinguished by normal unaided vision when viewed from a public place as defined in ORS  
26 161.015.

27 (f) "Reasonable expectation of privacy concerning the intimate area" means that the person in-  
28 tended to protect the intimate area from being seen and has not exposed the intimate area to public  
29 view.

30 (3) Invasion of personal privacy **in the second degree** is a Class A misdemeanor.

31 **SECTION 5. If House Bill 2356 becomes law, the amendments to ORS 163.700 by section**  
32 **4 of this 2015 Act become operative January 1, 2016.**

33 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
34 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
35 **on its passage.**

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