

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2596
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

May 21

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions;” and after “163.700” insert “; repealing section 1, chapter ___, Oregon Laws 2015 (Enrolled
3 House Bill 2356); and declaring an emergency”.

4 On page 2, after line 28, insert:

5 “**SECTION 3. If House Bill 2356 becomes law, section 1, chapter ___, Oregon Laws 2015**
6 **(Enrolled House Bill 2356) (amending ORS 163.700), is repealed.**

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

9 “163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of
10 personal privacy **in the second degree** if:

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

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

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

19 “[*(B) The other person is in a place and circumstances where the person has a reasonable ex-*
20 *pectation of personal privacy; or*

21 “[*(c)(A) (b)(A) The person knowingly makes or records a photograph, motion picture, videotape*
22 *or other visual recording of another person’s intimate area without the consent of the **other** person*
23 *[being recorded]; and*

24 “[*(B) The person being recorded has a reasonable expectation of privacy concerning the intimate*
25 *area.*

26 “(2) As used in this section **and section 2, chapter ___, Oregon Laws 2015 (Enrolled House**
27 **Bill 2356):**

28 “(a) ‘Intimate area’ means nudity, or undergarments that are being worn by a person and are
29 covered by clothing.

30 “(b) ‘Makes or records a photograph, motion picture, videotape or other visual recording’ in-
31 cludes, but is not limited to, making or recording or employing, authorizing, permitting, compelling
32 or inducing another person to make or record a photograph, motion picture, videotape or other
33 visual recording.

34 “(c) ‘Nudity’ means any part of the uncovered or less than opaquely covered:

1 “(A) Genitals;
2 “(B) Pubic area; or
3 “(C) Female breast below a point immediately above the top of the areola.
4 “(d) ‘Places and circumstances where the person has a reasonable expectation of personal pri-
5 vacy’ includes, but is not limited to, a bathroom, dressing room, locker room that includes an en-
6 closed area for dressing or showering, tanning booth and any area where a person undresses in an
7 enclosed space that is not open to public view.
8 “(e) ‘Public view’ means that an area can be readily seen and that a person within the area can
9 be distinguished by normal unaided vision when viewed from a public place as defined in ORS
10 161.015.
11 “(f) ‘Reasonable expectation of privacy concerning the intimate area’ means that the person in-
12 tended to protect the intimate area from being seen and has not exposed the intimate area to public
13 view.
14 “(3) Invasion of personal privacy **in the second degree** is a Class A misdemeanor.
15 “**SECTION 5. If House Bill 2356 becomes law, the amendments to ORS 163.700 by section**
16 **4 of this 2015 Act become operative January 1, 2016.**
17 “**SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
19 **on its passage.”.**
20
