

Senate Bill 377

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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 **as introduced**.

Modifies crime of invasion of personal privacy. Creates manner of committing crime in which nudity of person viewed or recorded is not required. Expands certain definitions related to crime. Elevates crime to Class C felony, punishable by maximum of five years' imprisonment, \$125,000 fine, or both, if victim is under 12 years of age.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.700; and declaring an emergency.

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) For the purpose of arousing or gratifying the sexual desire of any person, the**
18 **person knowingly views another person, or makes or records a photograph, motion picture,**
19 **videotape or other visual recording of another person, without the other person's knowledge**
20 **or consent; and**

21 **(B) At the time the other person is viewed, or at the time the visual recording of the**
22 **other person is made or recorded, the other person is in a place and circumstances where**
23 **the person has a reasonable expectation of personal privacy.**

24 (2) As used in this section:

25 (a) "Makes or records a photograph, motion picture, videotape or other visual recording" in-
26 cludes, but is not limited to, making or recording or employing, authorizing, permitting, compelling
27 or inducing another person to make or record a photograph, **digital image**, motion picture, vide-
28 otape or **any** other visual recording **or transmission**.

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

2 (A) Genitals;

3 (B) Pubic area; or

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

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

9 [(d)] (c) "**Open to public view**" means that an area can be readily seen and that a person within
10 the area can be distinguished by normal unaided vision when viewed from **a location that is:**

11 (A) A public place as defined in ORS 161.015; **and**

12 (B) **A place where the viewer is not a trespasser.**

13 (d) "**Place and circumstances where the person has a reasonable expectation of personal**
14 **privacy**" includes, but is not limited to, any room in a person's residence, a bathroom, a
15 **dressing room, a locker room that includes an enclosed area for dressing or showering, a**
16 **tanning booth and any area where a person undresses in an enclosed space that is not open**
17 **to public view.**

18 (e) "**Views**" means **intentionally looking at another person for more than a brief period**
19 **of time, in other than a casual or cursory manner, with the unaided eye or with a device**
20 **designed or intended to improve visual acuity.**

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

22 (b) **Notwithstanding paragraph (a) of this subsection, invasion of personal privacy is a**
23 **Class C felony if the victim is under 12 years of age.**

24 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
26 **on its passage.**