

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

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

5 On page 2, after line 28, insert:

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8 **is repealed.**

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

11 “163.700. (1) Except as provided in ORS 163.702, a person commits the  
12 crime of invasion of personal privacy **in the second degree** if:

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

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

19 “[*(b)(A)*] **(a)(A)** For the purpose of arousing or gratifying the sexual de-  
20 sire of the person, the person is in a location to observe another person in  
21 a state of nudity without the consent of the other person; and

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

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

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

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

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

12 “(b) ‘Makes or records a photograph, motion picture, videotape or other  
13 visual recording’ includes, but is not limited to, making or recording or em-  
14 ploying, authorizing, permitting, compelling or inducing another person to  
15 make or record a photograph, motion picture, videotape or other visual re-  
16 cording.

17 “(c) ‘Nudity’ means any part of the uncovered or less than opaquely cov-  
18 ered:

19 “(A) Genitals;

20 “(B) Pubic area; or

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

22 “(d) ‘Places and circumstances where the person has a reasonable expec-  
23 tation of personal privacy’ includes, but is not limited to, a bathroom,  
24 dressing room, locker room that includes an enclosed area for dressing or  
25 showering, tanning booth and any area where a person undresses in an en-  
26 closed space that is not open to public view.

27 “(e) ‘Public view’ means that an area can be readily seen and that a per-  
28 son within the area can be distinguished by normal unaided vision when  
29 viewed from a public place as defined in ORS 161.015.

30 “(f) ‘Reasonable expectation of privacy concerning the intimate area’

1 means that the person intended to protect the intimate area from being seen  
2 and has not exposed the intimate area to public view.

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

5 **“SECTION 5. If House Bill 2356 becomes law, the amendments to**  
6 **ORS 163.700 by section 4 of this 2015 Act become operative January 1,**  
7 **2016.**

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

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