



POLICE DEPARTMENT

To: Representative Jennifer Williamson, Chair
House Committee on Judiciary

From: Jonithan Funkhouser, Detective
Lake Oswego Police Department

Subject: Support for House Bill 2393 - Relating to the dissemination of intimate images,
creating new provisions and amending ORS 163.472 and 166.065

Date: February 20, 2019

Chair Williamson and Members of House Judiciary Committee. My name is Jonithan Funkhouser, I am a sworn police officer with the Lake Oswego Police Department where I have been employed for over thirteen years.

I am here today to support the passage of House Bill 2393.

As you may know, the crime of unlawful dissemination of an intimate image, which is often referred to as the "Revenge Porn" law, took effect in 2015. As the law was written and stands today, the scope of the dissemination is narrowed only to those images "disclosed through an Internet website."

Over time, we have found intimate images are being disseminated in more ways than just "through an Internet website." Other dissemination methods we have investigated include text messaging, email and hand delivering printed images to neighbors. The subjects in these images can be just as humiliated, if not more, than the subjects in images disclosed through an Internet website. However, these disclosures are not currently unlawful unless the subject of the image is under eighteen years of age at the time of the recording (the disclosure of these images is currently unlawful under Oregon Revised Statute 166.065, the crime of harassment).

House Bill 2393 closes this loophole by removing the requirement that an intimate image be disclosed through an Internet website to treat all disseminations of intimate images equally, no matter how they were disclosed. It also defines what "identifiable" means so law enforcement officers have a clearer understanding of which disseminated images fit this crime.

In addition, House Bill 2393 modifies the crime of harassment since the distribution of visual recordings of sexually explicit conduct of persons under eighteen years of age could now fall

under the crime of unlawful dissemination of an intimate image. This helps alleviate a duplication in law and reduces confusion during investigations into these crimes.

The passage of House Bill 2393 will allow law enforcement officers to investigate a much wider range of intimate images which have been disseminated without consent and with the intent to harass, humiliate or injure our citizens.

Thank you for your time and I would be happy to answer any questions.