

HOUSE AMENDMENTS TO HOUSE BILL 3047

By COMMITTEE ON JUDICIARY

April 8

1 In line 2 of the printed bill, before the period insert “; and declaring an emergency”.

2 Delete lines 4 through 31 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Disclose’ includes, but is not limited to, transfer, publish, distribute, exhibit, ad-**
5 **vertise and offer.**

6 **“(b) ‘Injure’ means to subject another to bodily injury or death.**

7 **“(c) ‘Harass’ means to subject another to severe emotional distress such that the indi-**
8 **vidual experiences anxiety, fear, torment or apprehension that may or may not result in a**
9 **physical manifestation of severe emotional distress or a mental health diagnosis and is pro-**
10 **tracted rather than merely trivial or transitory.**

11 **“(d) ‘Personal information’ means:**

12 **“(A) The plaintiff’s home address, personal email address, personal phone number or so-**
13 **cial security number;**

14 **“(B) Contact information for the plaintiff’s employer;**

15 **“(C) Contact information for a family member of the plaintiff;**

16 **“(D) Photographs of the plaintiff’s children; or**

17 **“(E) Identification of the school that the plaintiff’s children attend.**

18 **“(e) ‘Stalk’ means conduct constituting the crime of stalking under ORS 163.732 or con-**
19 **duct that would give rise to an action for issuance or violation of a stalking protective order**
20 **under ORS 30.866.**

21 **“(2) A plaintiff has a cause of action for improper disclosure of private information if the**
22 **plaintiff establishes by a preponderance of the evidence that:**

23 **“(a) The defendant, with the intent to stalk, harass or injure the plaintiff, knowingly**
24 **caused personal information to be disclosed;**

25 **“(b) The defendant knew or reasonably should have known that the plaintiff did not**
26 **consent to the disclosure;**

27 **“(c) The plaintiff is stalked, harassed or injured by the disclosure; and**

28 **“(d) A reasonable person would be stalked, harassed or injured by the disclosure.**

29 **“(3) A plaintiff who prevails in a claim under this section may recover:**

30 **“(a) Economic and noneconomic damages, as those terms are defined in ORS 31.710;**

31 **“(b) Punitive damages;**

32 **“(c) Injunctive relief;**

33 **“(d) Reasonable attorney fees; and**

34 **“(e) Any other appropriate equitable relief.**

35 **“(4) An action under this section must be commenced not later than two years after the**

1 **conduct that gives rise to a claim for relief occurred.**

2 **“SECTION 2. Section 1 of this 2021 Act applies to disclosures of personal information**
3 **occurring on or after the effective date of this 2021 Act.**

4 **“SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
6 **on its passage.”.**

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