

HB 3047-4
(LC 3178)
3/31/21 (MNJ/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3047**

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

3 Delete lines 4 through 31 of the printed bill and insert:

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

5 **“(a) ‘Disclose’ includes, but is not limited to, transfer, publish,**
6 **distribute, exhibit, advertise and offer.**

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

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

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

14 **“(A) The plaintiff’s home address, personal email address, personal**
15 **phone number or social security number;**

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

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

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

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

20 **“(e) ‘Stalk’ means conduct constituting the crime of stalking under**
21 **ORS 163.732 or conduct that would give rise to an action for issuance**

1 or violation of a stalking protective order under ORS 30.866.

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

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

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

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

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

13 “(3) A plaintiff who prevails in a claim under this section may re-
14 cover:

15 “(a) Economic and noneconomic damages, as those terms are de-
16 fined in ORS 31.710;

17 “(b) Punitive damages;

18 “(c) Injunctive relief;

19 “(d) Reasonable attorney fees; and

20 “(e) Any other appropriate equitable relief.

21 “(4) An action under this section must be commenced not later than
22 two years after the conduct that gives rise to a claim for relief oc-
23 curred.

24 “SECTION 2. Section 1 of this 2021 Act applies to disclosures of
25 personal information occurring on or after the effective date of this
26 2021 Act.

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

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