Senate Bill 475

Sponsored by Senator HANSELL (Presession filed.)

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.

Creates crime of unlawful disclosure of information about victim of sexual assault or sex trafficking. Punishes first offense by maximum of 364 days' imprisonment, $6,250 fine, or both. Punishes second or subsequent offense by maximum of five years' imprisonment, $125,000 fine, or both.

A BILL FOR AN ACT

Relating to the unlawful disclosure of information about crime victims.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Health care provider” has the meaning given that term in ORS 192.556.

(b) “Sex trafficking” has the meaning given that term in ORS 137.221.

(c) “Sexual assault” has the meaning given that term in ORS 181A.323.

(2) A person commits the crime of unlawful disclosure of information about a victim of sexual assault or sex trafficking if the person is a health care provider who:

(a) In the course of providing health care to a patient learns that the patient was a victim of sexual assault or sex trafficking; and

(b) Without the patient's consent or authorization, knowingly discloses the information regarding the sexual assault or sex trafficking to a third person in writing, in person or electronically, including by posting the information to a website.

(3) Subsection (2) of this section does not apply to a health care provider disclosing protected health information as permitted by ORS 192.553 to 192.581 or the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and regulations adopted under that law including 45 C.F.R. parts 160 and 164.

(4)(a) Unlawful disclosure of information about a victim of sexual assault or sex trafficking is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, unlawful disclosure of information about a victim of sexual assault or sex trafficking is a Class C felony if the health care provider, at the time of committing the offense, has one or more prior convictions under this section.

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.

LC 2966