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To: Senate Committee on Judiciary
From: Sybil Hebb, Oregon Law Center
Date: February 26th, 2024
Re: Support HB 4146A, Victim Protection Package

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the Senate Judiciary Committee,

On behalf of the Oregon Law Center, thank you for the opportunity to submit testimony in support of HB 4146A, the 2024 Victim Rights Policy Package. This bill will close a dangerous loophole in our current statutes prohibiting the dissemination of sexually explicit images without consent and for the purpose of harassment.

The Oregon Law Center’s mission is to achieve justice for low-income communities of Oregon, by providing a full range of the highest quality civil legal services. A significant number of our clients come to us for help as they are struggling to seek safety from domestic or sexual violence. About a third of our cases involve the issue of domestic violence, sexual assault, or stalking. Gender-based violence greatly contributes to the vulnerability of our clients, and further traps them in poverty and crisis. HB 4146A and other victim safety bills are critical to the protection of our clients, and to removing barriers to success and justice for our clients.

Closing the loophole in the statute often referred to as the “revenge porn” statute is of particular and critical importance. Under current law, the Oregon statute prohibiting the dissemination of sexually explicit images without consent and with the intent to harm requires that victims of this crime be “identifiable” in the explicit photos shared of them, using the photos alone. This has led to instances where courts cannot convict perpetrators because the victims were not obviously identifiable in the photos, even when contextual facts would clearly establish that the photos were of the victim.

Revenge porn takes a well-documented and severe toll on victims. Survivors have suffered significant financial, psychological, and physical harm as a result of unlawful dissemination of sexually explicit images. It is not uncommon for a survivor to have to change their name, change their job or school, alter their appearance, and more, simply to even begin to recover. These are great challenges in any community, and are exacerbated in small communities. Survivors live with the constant fear of being retraumatized, because at any moment the electronic images could resurface. With the immense proliferation of new forms of social media, ensuring protection from this behavior is critical to the safety of victims and to holding perpetrators accountable.

HB 4146A closes the loophole in the current law, removing the requirement that the photo be identifiable as the victim without any context, and ensuring that contextual facts can be used to establish that the photo is of the victim. The bill does not alter any other evidentiary requirements of the current law – the images have to have been shared without consent and with intent to harass or humiliate – and



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the elements of the crime must still be proven without a reasonable doubt. This bill proposes a simple and common-sense solution to a serious problem that is causing significant harm to survivors of this devastating crime. This solution is in keeping with the spirit of the original law's intent, and we urge your support.

We appreciate the addition of the option for survivors of domestic or sexual violence and elder abuse to file for a protection order in the county where the abuse took place. While current law allows for the filing of a petition in the county where the petitioner or the respondent reside, adding the option of filing where the abuse took place could increase access to safety for some survivors. This change does not alter any other current provisions or requirements of the protection order statutes, but merely adds the option to file the petition in the county where the abuse took place. Such an option is already available in stalking protection orders. This proposed change will impact a very few cases, but in those cases, the impact could be significant.

For the above reasons, we urge your support of HB 4146A. Thank you for your consideration, and for your work on behalf of Oregonians.

Sincerely,
Sybil Hebb

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