

February 25, 2024

Re: Support for HB 4146A

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

My name is Jayne Downing and this testimony to urge your support of HB 4146A, the 2024 Victim Rights Policy Package. I am the Executive Director for the Center for Hope & Safety, serving victims and survivors in Marion and Polk Counties.

This bill proposes to increase safety and protections for survivors in two ways:

1. Close a loophole in the statute that prohibits the unlawful dissemination of sexually explicit images.
2. Close a gap in venue filing options for certain restraining orders.

We worked with a victim recently impacted by these issues. Sadly, it is one of many over the years. That is why it is critical to close the loophole in what has been known as the “revenge porn” statute. Under current law, Oregon statute requires that victims of revenge porn 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 establish that the photos were of the victim.

HB 4146A closes this 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 harms from unlawful dissemination of sexually explicit images are unique to each victim and can be severe. It impacts survivor’s lives for the rest of their lives and potentially their children’s lives also.

Closing the loophole in the current law is a simple and common sense solution to a serious problem that is causing significant harm to survivors of revenge porn. This solution is in keeping with the spirit of the original law’s intent, and I urge your support. Our program also supports the bill’s addition of the option for survivors of domestic violence and elder abuse to file for a restraining 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 current provisions or requirements of the statute, but merely adds this filing venue option. This will impact a very few cases, but in those cases, the impact could be significant.

Thank you for your consideration of this important legislation and all you do for survivors in Oregon.

Jayne Downing  
Center for Hope & Safety

# Center for HOPE & SAFETY



*Formerly Mid-Valley Women’s Crisis Service*

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*because everyone deserves a life free of violence*

