

HB 2299 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/28, 5/5

WHAT THE MEASURE DOES:

The measure adds "a digitally created, manipulated or altered depiction that is reasonably realistic" to the definition of "image" in the crime of *unlawful dissemination of an intimate image*, a Class A misdemeanor.

HOUSE VOTE: Ayes, 56; Excused, 3; Excused for Business of the House, 1

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Requirements for image to be an "image of another person"
- Application in different settings and different ages of offenders
- Differences between proposed degrees of offense

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

It is a crime in Oregon to knowingly cause the disclosure of an image of another person, whose intimate parts are visible or who is engaged in sexual conduct, with the intent to harass, humiliate or injure the other person where the person should have known that the person whose image they disclosed does not consent to the disclosure and the other person is reasonably harassed, humiliated, or injured by the disclosure. "Image," "intimate parts," and "sexual conduct" are defined in ORS 163.472:

- "Image": a photograph, film, videotape, recording, digital picture, or other visual reproduction.
- "Intimate parts": uncovered human genitals, pubic areas, or female nipples.
- "Sexual conduct": sexual intercourse or oral or anal sexual intercourse, as those terms are defined in ORS 163.305, or masturbation.

The crime, *unlawful dissemination of an intimate image*, is a Class A misdemeanor, punishable by up to 364 days incarceration and \$6,250 in fines. ORS 163.472, 161.615, 161.635.