

HB 2393 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/20, 3/11

WHAT THE MEASURE DOES:

Removes from the crime of unlawful dissemination of an intimate image the requirement that an image be disclosed through an Internet website. Removes distribution of a visual recording of another person engaged in sexually explicit conduct or in a state of nudity from the conduct constituting the crime of harassment. Defines "identifiable". Creates a civil cause of action for any person or person's parent or guardian depicted in an image disclosed resulting from commission of the crime of unlawful dissemination of an intimate image. Creates statutory damages of \$5,000 against any defendant or the parents or legal guardian of any minor found liable under ORS 163.472.

ISSUES DISCUSSED:

- Consolidates criminal statutes governing the same or similar conduct
- Civil action recommendation consistent with uniform law commission recommendations
- Statutory damages intended to be per plaintiff and not per image disseminated
- Limits financial liability minors can face

EFFECT OF AMENDMENT:

-1 Limits liability faced by emancipated minors along with unemancipated minors to \$5000 per plaintiff. Makes technical changes.

BACKGROUND:

The crime of unlawful dissemination of an intimate image does not does not prohibit the dissemination of images if those images are not transmitted via the Internet. The dissemination of intimate images by means other than the internet is currently governed by ORS 166.065 and constitutes harassment only when the image involves a minor. The measure subsumes conduct provided for in ORS 166.065(1)(a)(C), eliminating it entirely. There is no specific cause of action provided for in the language of the current statute.