

House Bill 3388

Sponsored by Representative CATE

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 harassment by display of pornographic material. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

Relating to harassment involving pornographic material; creating new provisions; and amending ORS 161.005.

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

SECTION 1. (1) A person commits the crime of harassment by display of pornographic material if the person:

(a) With the intent to harass, degrade or humiliate another person and without the consent of the other person, displays pornographic material to the other person;

(b) The person knows or reasonably should have known that the other person does not consent to the display;

(c) The person is harassed, degraded or humiliated by the display; and

(d) A reasonable person would be harassed, degraded or humiliated by the display.

(2) Harassment by display of pornographic material is a Class A misdemeanor.

(3) As used in this section:

(a) "Image" has the meaning given that term in ORS 163.472.

(b) "Pornographic material" means an image depicting sexual conduct as defined in ORS 167.051 or uncovered human genitals.

SECTION 2. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and section 1 of this 2023 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

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.