

REPRESENTATIVE ANNESSA HARTMAN (SHE/HER)
HOUSE DISTRICT 40



OREGON HOUSE OF REPRESENTATIVES

Chair Kropf, Vice Chairs Andersen and Wallan, and members of the House Judiciary Committee,

I am writing to be a voice for fellow survivors and advocate for House Bill 4146. This bill is a small but critical step forward in protecting against abuse through the use of technology, increasing access to protection orders for abuse victims, and continuing the conversation on strengthening privacy rights in Oregon.

First, HB 4146 addresses a significant loophole in our revenge porn statute. Over a third of American couples share intimate images of themselves with their romantic partners, with that number rising steadily with each new generation. Sometimes, when relationships sour, a partner might distribute these private images or videos to others as a form of revenge or harassment, leading to emotional trauma, damage to reputation, social stigma, and, in some cases, it can even affect employment and personal relationships.

Oregon statute recognizes this behavior as a form of abuse, but it requires that victims of revenge porn be "identifiable" in the explicit photos shared of them, meaning that any person must be able to recognize the victim depicted in the image without context. The word "identifiable" makes this crime incredibly difficult to prosecute if the victim is not obviously identifiable in the photos alone, even when perpetrators admit that the shared photos were of the victim or contextual information could identify the image.

HB 4146 solves this problem by removing the word "identifiable" from the statute. To be clear, this only makes prosecution possible, not a foregone conclusion. The prosecution would still have to prove that the perpetrator knowingly caused the image to be disclosed, that they did that with the intent to harass, humiliate, or injure another person, that they knew or reasonably should have known that the other person did not consent to the disclosure, that the other person was harassed, humiliated, or injured by the disclosure, and that a reasonable person would be harassed, humiliated, or injured by the disclosure.

This change is about ensuring justice for victims devastated by such violations. Despite defense attorneys' concerns, evidence from states like Indiana demonstrates that similar laws can coexist with free speech rights.

The bill's second component broadens the filing options for restraining orders. Inspired by insights from Restraining Orders Without Borders and survivor support service providers, this change addresses a gap in our system. Currently, petitioners can file for restraining orders in the counties in which either they or their abuser reside. However, while stalking victims can file Stalking Protective Orders (SPOs) in the county where the abuse occurred, this option is not available for other kinds of restraining orders.

This bill expands restraining order filing options to include the county where the abuse occurred, acknowledging that abuse can happen in a county where neither of the parties resides. This expansion is particularly beneficial for individuals who experience abuse while working or traveling in different counties, enhancing their ability to seek timely and effective legal protection.

Finally, HB 4146 aims to enhance protections for personal privacy. The current law only offers protection against voyeurism for sexual gratification or recording and requires that perpetrators actually see or record a victim's genitals, leaving significant gaps.

While there is a significant need to protect Oregonians in vulnerable situations and close loopholes allowing such invasive acts, we recognize that this requires a more comprehensive discussion and are committed to revisiting this in 2025. To that end, I have requested an amendment that removes this section from the bill.

In conclusion, HB 4146 represents our commitment to evolving our legal frameworks to address the changing nature of abuse and harassment in the digital age. This bill stands for the dignity, safety, and rights of all Oregonians. I urge you to support this bill and help make our state a safer, more just place for everyone. Thank you.

A handwritten signature in black ink, appearing to read 'Annessa Hartman', with a stylized, cursive script.

Representative Annessa Hartman
House District 40 – Gladstone, Oregon City, North Clackamas County