

Submitter: Thomas Busse

On Behalf Of: Independent Journalists

Committee: Joint Committee On Ways and Means Subcommittee On Capital Construction

Measure: HB4156

Although this act appears noble in intent, too often anti-stalking laws are abused to shut down legitimate investigative journalism and political protest.

This attempts to re-enact provisions of Oregon law that were overturned as unconstitutional by the 9th Circuit court of appeals in July 2023: the Multnomah County DA was found by the court to abuse an anti-stalking law to shut down and censor journalism by Project Veritas.

As written, this bill fails to clarify that certain First Amendment protected activities are not stalking. The definition of doxing is so overly broad it could be used to criminalize news reports that describe the homes and lifestyles of the subjects of news articles. The proposed statute could be used to prosecute organizers of political protests at the homes of officials. I recognize many consider such constitutionally-protected activity as being in bad taste, but it should not be a felony.

Similarly, the following language in the statute criminalizes citizen journalism of members of the public who video police beatings:

"The use of an electronic service, application, device or other electronic means to obtain, monitor or interfere with the location, communication or activities of the other person,
without the consent of the other person"