

## **HB 2974 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Meeting Dates:** 2/24

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#### **WHAT THE MEASURE DOES:**

The measure modifies the definition of “sexually explicit conduct” for certain crimes involving children. It also directs the Oregon Criminal Justice Commission to classify invasion of personal privacy in the first degree as a crime category 8 on the sentencing guidelines grid when the victim is a minor. Takes effect on the 91st day following adjournment sine die.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

No amendment.

##### **BACKGROUND:**

In addition to the specific sexual acts described by the statute, ORS 163.665, the definition of sexually explicit conduct includes the "lewd exhibition of sexual or other intimate parts," which is not further defined.

House Bill 2974 would modify the meaning of sexually explicit conduct for certain crimes to include the exhibition or display of the sexual or other intimate parts of a child when the child is being observed or recorded for sexual arousal.

Current Oregon law provides, in ORS 163.702, a person commits the crime of invasion of personal privacy in the first degree if the person knowingly makes a visual recording of another person in a state of nudity without the consent of the other person and at the time the person being recorded has a reasonable expectation of personal privacy.

Invasion of personal privacy in the first degree is a crime category 6 of the Oregon sentencing guidelines grid. HB 2974 would direct the crime to be classified as a crime category 8 of the sentencing guidelines grid if the person whose privacy is invaded is under 18 years of age.