

SB 414 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Sub-Referral To: Joint Committee On Information Management and Technology

Meeting Dates: 3/4

WHAT THE MEASURE DOES:

The measure adds "computer-generated explicit likeness" to the kind of material that qualifies for the crime of *unlawful dissemination of an intimate image*. The measure defines "computer-generated explicit likeness" as "a visual depiction purporting to be of another person's intimate parts or of the other person engaging in sexual conduct that has been created, manipulated or altered by using a computer software program, artificial intelligence, editing application or similar means, so that the depiction is not reasonably distinguishable from an actual image of the other person's intimate parts or the other person engaging in sexual conduct." The measure declares an emergency and is effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

It is a crime in Oregon to knowingly cause the disclosure of an image of another person, whose intimate parts are visible or who is engaged in sexual conduct, with the intent to harass, humiliate or injure the other person where the person should have known that the person whose image they disclosed does not consent to the disclosure and the other person is reasonably harassed, humiliated, or injured by the disclosure. "Image," "intimate parts," and "sexual conduct" are defined in ORS 163.472:

- "Image": a photograph, film, videotape, recording, digital picture, or other visual reproduction.
- "Intimate parts": uncovered human genitals, pubic areas, or female nipples.
- "Sexual conduct": sexual intercourse or oral or anal sexual intercourse, as those terms are defined in ORS 163.305, or masturbation.

The crime, *unlawful dissemination of an intimate image*, is a Class A misdemeanor, punishable by up to 364 days incarceration and \$6,250 in fines. ORS 163.472, 161.615, 161.635.

Unlawful dissemination of an intimate image currently covers visual reproductions of a subject under the definition of "image," but does not cover visual depictions that are not visual reproductions but purport to be and are not reasonably distinguishable from an actual image of the subject. Such visual depictions have become easier to create with the rise in capabilities of generative artificial intelligence (AI), such as ChatGPT and Google Gemini, resulting in cases, like one involving [Taylor Swift](#), where AI-generated explicit images of a person are created and shared without the person's consent. Senate Bill 414 modifies *unlawful dissemination of an intimate image* to cover these kinds of "computer-generated explicit likenesses." Other states have enacted laws to broaden the coverage of privacy, child pornography, and unlawful dissemination laws to cover these kinds of depictions, including [New York](#) and [Indiana](#).