

A-Engrossed House Bill 2299

Ordered by the House April 11
Including House Amendments dated April 11

Sponsored by Representatives MANNIX, MCLAIN, HARTMAN; Representatives BOICE, HELM, LEWIS, NERON, NGUYEN H, RESCHKE, WALTERS, WRIGHT (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes a crime to include disclosing fake nude or sexual images. (Flesch Readability Score: 63.4).

[Digest: The Act changes a crime to include disclosing fake nude or sexual images and makes the offense level higher. The Act creates a new crime about disclosing nude or sexual images. (Flesch Readability Score: 62.8).]

[Increases the penalty for unlawful dissemination of an intimate image and renames the crime. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both, or 10 years' imprisonment, \$250,000 fine, or both, if the person has a prior conviction. Modifies the crime to include the disclosure of digitally created, manipulated or altered images.]

[Creates the crime of unlawful dissemination of an intimate image in the second degree. Punishes by a maximum of 364 days' imprisonment, \$6,250 fine, or both, or five years' imprisonment, \$125,000 fine, or both, if the person has a prior conviction.]

Modifies the crime of unlawful dissemination of an intimate image to include the disclosure of digitally created, manipulated or altered images.

A BILL FOR AN ACT

Relating to the unlawful dissemination of intimate images; amending ORS 163.472.

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

SECTION 1. ORS 163.472, as amended by section 4, chapter 42, Oregon Laws 2024, is amended to read:

163.472. (1) A person commits the crime of unlawful dissemination of an intimate image if:

(a) The person, with the intent to harass, humiliate or injure another person, knowingly causes to be disclosed an image of the other person whose intimate parts are visible or who is engaged in sexual conduct;

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

(c) The other person is harassed, humiliated or injured by the disclosure; and

(d) A reasonable person would be harassed, humiliated or injured by the disclosure.

(2)(a) Except as provided in paragraph (b) of this subsection, unlawful dissemination of an intimate image is a Class A misdemeanor.

(b) Unlawful dissemination of an intimate image is a Class C felony if the person has a prior conviction under this section at the time of the offense.

(3) As used in this section:

(a) "Disclose" includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.

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.

(b) “Image” includes, but is not limited to, [*a photograph, film, videotape, recording, digital picture and other visual reproduction*] **the following**, regardless of the manner in which the image is stored:

(A) A photograph, film, videotape, recording, digital picture or other visual reproduction.

(B) A digitally created, manipulated or altered depiction that is reasonably realistic.

(c) “Information content provider” has the meaning given that term in 47 U.S.C. 230(f).

(d) “Interactive computer service” has the meaning given that term in 47 U.S.C. 230(f).

(e) “Intimate parts” means uncovered human genitals, pubic areas or female nipples.

(f) “Sexual conduct” means sexual intercourse or oral or anal sexual intercourse, as those terms are defined in ORS 163.305, or masturbation.

(4) This section does not apply to:

(a) Activity by law enforcement agencies investigating and prosecuting criminal offenses;

(b) Legitimate medical, scientific or educational activities;

(c) Legal proceedings, when disclosure is consistent with common practice in civil proceedings or necessary for the proper functioning of the criminal justice system;

(d) The reporting of unlawful conduct to a law enforcement agency;

(e) Disclosures that serve a lawful public interest;

(f) Disclosures of images:

(A) Depicting the other person voluntarily displaying, in a public area, the other person’s intimate parts or engaging in sexual conduct; or

(B) Originally created for a commercial purpose with the consent of the other person; or

(g) The provider of an interactive computer service for an image of intimate parts provided by an information content provider.
