

House Bill 2299

Sponsored by Representatives MANNIX, MCLAIN, HARTMAN (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 **as introduced**. 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 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.

A BILL FOR AN ACT

1
2 Relating to the unlawful dissemination of intimate images; creating new provisions; and amending
3 ORS 30.833, 161.005, 163.472 and 659A.270.

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

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

7 163.472. (1) A person commits the crime of unlawful dissemination of an intimate image **in the**
8 **first degree** if:

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

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

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

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

16 (2)(a) Except as provided in paragraph (b) of this subsection, unlawful dissemination of an inti-
17 mate image is a [*Class A misdemeanor*] **Class C felony**.

18 (b) Unlawful dissemination of an intimate image **in the first degree** is a [*Class C felony*] **Class**
19 **B felony** if the person has a prior conviction under this section **or section 2 of this 2025 Act** at
20 the time of the offense.

21 (3) As used in this section **and section 2 of this 2025 Act**:

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

24 (b) "Image" includes, but is not limited to, [*a photograph, film, videotape, recording, digital pic-*
25 *ture and other visual reproduction*] **the following**, regardless of the manner in which the image is
26 stored:

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.

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

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

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

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

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

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

8 (4) This section [does] and section 2 of this 2025 Act do not apply to:

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

10 (b) Legitimate medical, scientific or educational activities;

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

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

14 (e) Disclosures that serve a lawful public interest;

15 (f) Disclosures of images:

16 (A) Depicting the other person voluntarily displaying, in a public area, the other person's inti-
17 mate parts or engaging in sexual conduct; or

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

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

21 **SECTION 2. (1) A person commits the crime of unlawful dissemination of an intimate
22 image in the second degree if:**

23 (a) **The person knowingly causes to be disclosed an image of the other person whose in-
24 timate parts are visible or who is engaged in sexual conduct;**

25 (b) **The person is aware of and consciously disregards a substantial and unjustifiable risk
26 that the other person will be harassed, humiliated or injured by the disclosure;**

27 (c) **The person knows or reasonably should have known that the other person does not
28 consent to the disclosure;**

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

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

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

33 (b) **Unlawful dissemination of an intimate image in the second degree is a Class C felony
34 if the person has a prior conviction under this section or ORS 163.472 at the time of the of-
35 fense.**

36 **SECTION 3.** ORS 30.833 is amended to read:

37 30.833. (1) Irrespective of any criminal prosecution or the result thereof, a person depicted in
38 an image disclosed in violation of ORS 163.472 or section 2 of this 2025 Act, or that person's par-
39 ent or guardian, representative or estate, shall have a civil action to secure an injunction, damages
40 or other appropriate relief against any and all persons whose actions are unlawful under ORS
41 163.472 or section 2 of this 2025 Act.

42 (2) Upon prevailing in such action, the plaintiff may recover:

43 (a) The greater of:

44 (A) Special and general damages, including damages for emotional distress; or

45 (B) Statutory damages of \$5,000 per plaintiff against each defendant found liable under this

1 section;

2 (b) An amount equal to any economic gain received by the defendant for the disclosure; and

3 (c) Punitive damages.

4 (3) The court may award reasonable attorney fees to the prevailing plaintiff in an action under
5 this section.

6 (4) An emancipated minor, or the parent, parents or legal guardian of an unemancipated minor,
7 shall be liable for any judgment recovered against such minor under this section, in an amount not
8 to exceed \$5,000.

9 (5) A civil action under this section does not affect a right or remedy available under any other
10 law of this state.

11 (6) An award of statutory damages described in subsection (2) of this section is not evidence of
12 the existence or the amount of economic damages for purposes of restitution under ORS 137.106.

13 **SECTION 4.** ORS 161.005 is amended to read:

14 161.005. ORS 161.005 to 161.055, 161.065, 161.085 to 161.125, 161.150 to 161.175, 161.190 to
15 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705
16 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375,
17 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to
18 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285,
19 163.305 to 163.467, 163.429, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700,
20 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377,
21 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815,
22 166.005 to 166.095, 166.119, 166.125, 166.128, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027,
23 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350,
24 167.810 and 167.820 **and section 2 of this 2025 Act** shall be known and may be cited as Oregon
25 Criminal Code of 1971.

26 **SECTION 5.** ORS 659A.270 is amended to read:

27 659A.270. As used in ORS 659A.270 to 659A.285:

28 (1) "Covered employer" means an employer who employs six or more individuals in the State
29 of Oregon for each working day during each of 20 or more calendar workweeks in the year in which
30 an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or
31 stalking, or in the year immediately preceding the year in which an eligible employee takes leave
32 to address domestic violence, harassment, sexual assault, bias or stalking.

33 (2) "Eligible employee" means an employee who is a victim of domestic violence, harassment,
34 sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is
35 a victim of domestic violence, harassment, sexual assault, bias or stalking.

36 (3) "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to
37 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains
38 an individual from contact with an eligible employee or the employee's minor child or dependent.

39 (4) "Victim of bias" means:

40 (a) An individual who has been a victim of a bias crime as defined in ORS 147.380; or

41 (b) Any other individual designated as a victim of bias by rule adopted under ORS 659A.805.

42 (5) "Victim of domestic violence" means:

43 (a) An individual who has been a victim of abuse, as defined in ORS 107.705; or

44 (b) Any other individual designated as a victim of domestic violence by rule adopted under ORS
45 659A.805.

- 1 (6) "Victim of harassment" means:
 - 2 (a) An individual against whom harassment has been committed as described in ORS 166.065.
 - 3 (b) Any other individual designated as a victim of harassment by rule adopted under ORS
 - 4 659A.805.
 - 5 (7) "Victim of sexual assault" means:
 - 6 (a) An individual against whom a sexual offense has been committed as described in ORS 163.305
 - 7 to 163.467, 163.472 or 163.525 **or section 2 of this 2025 Act**; or
 - 8 (b) Any other individual designated as a victim of sexual assault by rule adopted under ORS
 - 9 659A.805.
 - 10 (8) "Victim of stalking" means:
 - 11 (a) An individual against whom stalking has been committed as described in ORS 163.732;
 - 12 (b) An individual designated as a victim of stalking by rule adopted under ORS 659A.805; or
 - 13 (c) An individual who has obtained a court's stalking protective order or a temporary court's
 - 14 stalking protective order under ORS 30.866.
 - 15 (9) "Victim services provider" means a prosecutor-based victim assistance program or a
 - 16 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-
 - 17 olence, harassment, sexual assault, bias or stalking.
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