

Enrolled

House Bill 3766

Sponsored by Representatives CHAICHI, HARTMAN, TRAN; Representatives ANDERSEN, GAMBA, MANNIX, NERON, NGUYEN H, WRIGHT, Senators HAYDEN, JAMA, MANNING JR, PATTERSON, SMITH DB, THATCHER

CHAPTER

AN ACT

Relating to claims for transmission of intimate images.

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

SECTION 1. (1) As used in this section, “intimate image” means an image depicting sexual conduct as defined in ORS 167.051 or uncovered human genitals.

(2) A plaintiff may bring a civil action against a person who, after attaining 18 years of age, transmits an intimate image by computer or other electronic means to the computer or other electronic communication device of the plaintiff, if:

(a) The person transmitted the intimate image with the intent to harass, degrade or humiliate the plaintiff and without the consent of the plaintiff;

(b) The person knew or reasonably should have known that the plaintiff did not consent to the transmission of the image;

(c) The plaintiff is harassed, degraded or humiliated by the transmission of the image; and

(d) A reasonable person would be harassed, degraded or humiliated by the transmission of the image.

(3) A plaintiff who prevails in an action under this section may recover the greater of:

(a) The plaintiff’s economic and noneconomic damages resulting from all transmissions of intimate images transmitted by the defendant to the plaintiff actionable under this section, in an amount not to exceed \$10,000; or

(b) \$500.

(4) The court shall award reasonable attorney fees to a plaintiff who prevails in an action under this section.

(5) An action under this section must be commenced not later than two years after the conduct that gives rise to the claim.

(6) A person may not bring a claim under this section against:

(a) An Internet service provider, mobile data provider or operator of an online or mobile application, to the extent that the provider or operator is transmitting, routing or providing connections for electronic communications initiated by or at the direction of another;

(b) A service that transmits an intimate image, including an on-demand, subscription or advertising-supported service; or

(c) A health care provider that transmits an intimate image for a legitimate medical purpose.

SECTION 2. Section 1 of this 2025 Act applies to claims that arise under section 1 of this 2025 Act on or after the effective date of this 2025 Act.

Passed by House April 22, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 11, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State