

House Bill 3766

Sponsored by Representatives CHAICHI, HARTMAN, TRAN; Representative WRIGHT, Senators JAMA, MANNING JR, PATTERSON, THATCHER

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 lets a plaintiff sue a person who sends an intimate image to the plaintiff's device. (Flesch Readability Score: 70.1).

Allows a plaintiff to bring a civil action against a person who transmits an intimate image to the plaintiff's computer or electronic device in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to claims for transmission of intimate images.

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

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

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

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

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

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

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

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

18 **(a) Economic and noneconomic damages, as those terms are defined in ORS 31.705; or**

19 **(b) \$____.**

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

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

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

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

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

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

3 SECTION 2. Section 1 of this 2025 Act applies to claims that arise under section 1 of this
4 2025 Act on or after the effective date of this 2025 Act.

5
