

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 470**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;”.

2 In line 3, delete “646.608” and insert “30.831”.

3 Delete lines 5 through 25 and delete pages 2 through 5 and insert:

4 **“SECTION 1.** ORS 30.831 is amended to read:

5 “30.831. (1) A plaintiff has a cause of action for invasion of personal pri-
6 vacy if the plaintiff establishes any of the following:

7 “(a) The defendant knowingly made or recorded a photograph, motion
8 picture, videotape or other visual **image or** recording of the plaintiff in a
9 state of nudity without the consent of the plaintiff, and at the time the vis-
10 ual **image or** recording was made or recorded the plaintiff was in a place
11 and circumstances where the plaintiff had a reasonable expectation of per-
12 sonal privacy.

13 “(b) For the purpose of arousing or gratifying the sexual desire of the
14 defendant, the defendant was in a location to observe the plaintiff in a state
15 of nudity without the consent of the plaintiff, and the plaintiff was in a place
16 and circumstances where the plaintiff had a reasonable expectation of per-
17 sonal privacy.

18 “(c) For the purpose of arousing or gratifying the sexual desire of any
19 person, the defendant knowingly:

20 “(A) Made or recorded a photograph, motion picture, videotape or other
21 visual **image or** recording of an intimate area of the plaintiff without the

1 consent of the plaintiff; or

2 “(B) Viewed an intimate area of the plaintiff without the consent of the
3 plaintiff.

4 “(d) Without the consent of the plaintiff, the defendant disseminated a
5 photograph, motion picture, videotape or other visual **image or** recording
6 of the plaintiff in a state of nudity, and the defendant knew that at the time
7 the visual **image or** recording was made or recorded the plaintiff was in a
8 place and circumstances where the plaintiff had a reasonable expectation of
9 personal privacy.

10 “(e) **The defendant is a transient lodging provider or transient**
11 **lodging intermediary and without the consent of the plaintiff captures,**
12 **makes, stores, transfers, transmits or broadcasts, or intentionally**
13 **permits another person to capture, make, store, transfer, transmit or**
14 **broadcast, a visual image or recording or audio of the plaintiff while**
15 **the plaintiff occupies a private space within transient lodging that is**
16 **under the defendant’s ownership or control.**

17 “(2) A plaintiff who prevails in a cause of action for invasion of personal
18 privacy under this section is entitled to receive:

19 “(a) Compensatory damages; and

20 “(b) Reasonable attorney fees.

21 “(3) An action under this section must be commenced not later than two
22 years after the conduct that gives rise to a claim for relief occurred.

23 “(4) The remedy provided by this section is in addition to, and not in lieu
24 of, any other claim for relief that may be available to a plaintiff by reason
25 of conduct of a defendant described in subsection (1) of this section.

26 “(5) The provisions of subsection (1)(a) and (d) of this section do not apply
27 to a photograph, motion picture, videotape or other visual **image or** re-
28 cording of a person under 12 years of age if:

29 “(a) The person who makes, records or disseminates the visual **image or**
30 recording is the father, mother, sibling, grandparent, aunt, uncle or first

1 cousin, by blood, adoption or marriage, of the person under 12 years of age;
2 and

3 “(b) The visual **image or** recording is made, recorded or disseminated for
4 a purpose other than arousing or gratifying the sexual desire of the person
5 or another person.

6 “(6) As used in this section:

7 “(a) ‘**Audio**’ means **speech or other sound that a person makes in-**
8 **entionally and for an expressive purpose.**

9 “[*a*] (b) ‘Intimate area’ means:

10 “(A) Undergarments that are being worn by a person, are covered by
11 clothing and are intended to be protected from being seen; and

12 “(B) Any of the following that are covered by clothing and are intended
13 to be protected from being seen:

14 “(i) Genitals;

15 “(ii) Pubic areas; or

16 “(iii) Female breasts below the point immediately above the top of the
17 areola.

18 “[*b*] (c) ‘Made or recorded a photograph, motion picture, videotape or
19 other visual **image or** recording’ includes, but is not limited to, making or
20 recording or employing, authorizing, permitting, compelling or inducing an-
21 other person to make or record a photograph, motion picture, videotape or
22 other visual **image or** recording.

23 “[*c*] (d) ‘Nudity’ means any part of the uncovered or less than opaquely
24 covered:

25 “(A) Genitals;

26 “(B) Pubic area; or

27 “(C) Female breast below a point immediately above the top of the areola.

28 “[*d*] (e) ‘Places and circumstances where the plaintiff has a reasonable
29 expectation of personal privacy’ includes, but is not limited to, a bathroom,
30 dressing room, locker room that includes an enclosed area for dressing or

1 showering, tanning booth and any area where a person undresses in an en-
2 closed space that is not open to public view.

3 **“(f) ‘Private space’ means:**

4 **“(A) A bedroom or other area that a person would ordinarily use**
5 **for sleeping;**

6 **“(B) A bathroom, washroom, water closet or other area in which a**
7 **person can perform private bodily functions or attend to private bodily**
8 **needs; or**

9 **“(C) Other areas that are not common areas of transient lodging**
10 **or are not otherwise open to free or uninvited access by the transient**
11 **lodging provider, occupants of other dwelling units within the tran-**
12 **sient lodging or visitors to the transient lodging.**

13 **“[(e)] (g) ‘Public view’ means that an area can be readily seen and that**
14 **a person within the area can be distinguished by normal unaided vision when**
15 **viewed from a public place as defined in ORS 161.015.**

16 **“(h) ‘Transient lodging’ means:**

17 **“(A) A hotel, motel, inn or other dwelling unit that is used for**
18 **temporary human occupancy; or**

19 **“(B) A house, cabin, condominium, apartment unit or other dwell-**
20 **ing unit, or a portion of a house, cabin, condominium, apartment unit**
21 **or other dwelling unit, that is used for temporary human occupancy.**

22 **“(i) ‘Transient lodging intermediary’ has the meaning given that**
23 **term in ORS 320.300.**

24 **“(j) ‘Transient lodging provider’ means a person that provides**
25 **transient lodging in return for compensation.**

26 **“(k) ‘Visual image or recording’ means a still or moving picture,**
27 **taken or recorded by means of a mechanical or electronic camera or**
28 **similar device that can capture and render a realistic and accurate**
29 **facsimile of a person’s appearance for storage and later reproduction**
30 **or for immediate or delayed transmission via any medium, including**

1 **the Internet.**

2 **“SECTION 2. This 2025 Act takes effect on the 91st day after the**
3 **date on which the 2025 regular session of the Eighty-third Legislative**
4 **Assembly adjourns sine die.”.**

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