



**TO: Rep. Jason Kropf, Chair
Rep. Willy Chotzen, Vice Chair
Rep. Kim Wallan, Vice Chair
Members of House Judiciary Committee**

**FR: Amanda Dalton
Oregon District Attorneys Association**

RE: HB 2299 - Support

February 25, 2025

Thank you for the opportunity to provide testimony in support of HB 2299. This bill clarifies that disclosing intimate images of another person without their consent is criminal behavior in Oregon if done in certain circumstances, and includes images created or digitally altered (such as artificial intelligence or “A.I.”)

HB 2299 expands Oregon’s current Unlawful Dissemination of an Intimate Image statute, ORS 163.472, in three narrow, yet important ways:

Deep Fakes: First, the bill explicitly includes “deep fake” images; that is, images or videos of a person where their face or body is digitally altered so they appear to be someone else or engaging in behavior that did not occur. While Oregon law already protects actual images from being distributed under certain circumstances, it is ambiguous whether the current definition covers digitally altered images. Under this bill, the definition of “Image” adds: *“a digitally created, manipulated, or altered depiction that is reasonably realistic.”*

Of note, the “reasonably realistic” limitation was included to acknowledge that some images, clearly artificial, would not be covered by this statute.

“Reasonably” is intended to incorporate a reasonable person standard.

New Degrees: Second, HB 2299 divides the current statute into First Degree and Second Degree offenses:

- If the image depicting intimate parts is knowingly disclosed with “the intent to harass, humiliate or injure another person” it is Unlawful Dissemination in the First Degree.

- If the image depicting intimate parts is knowingly disclosed and the person “*is aware and consciously disregards a substantial and unjustifiable risk that the other person will be harassed, humiliated or injured*” it is Unlawful Dissemination in the Second Degree.

Both degrees include the current legal requirements that the person knows or should have known that the victim does not consent; that the victim is harassed, humiliated or injured; and that a reasonable person would be harassed humiliated or injured by the disclosure.

Increased Penalty: Currently, Unlawful Dissemination of an Intimate Image is an A misdemeanor, but is a C felony with a prior conviction. HB 2299 makes Unlawful Dissemination of an Intimate Image in the First Degree a C felony, but a B felony with a prior conviction. It makes Unlawful Dissemination of an Intimate Image in the Second Degree an A Misdemeanor, but a C felony with a prior conviction.

ODAA believes that separate degrees allow prosecutors to appropriately balance the significant harm that comes from disclosure of these images without the victim’s consent with an actor’s intent or reckless mental state.

These three narrow expansions are the result of several meetings considering this offensive, intrusive and violating conduct while acknowledging and protecting free speech principles.

Thank you for your consideration.