

D R A F T

SUMMARY

Modifies crime of invasion of personal privacy. Expands certain definitions related to crime. Elevates crime to Class C felony, punishable by maximum of five years' imprisonment, \$125,000 fine, or both, if victim is under 12 years of age.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.700; and declaring an emergency.

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

4 **SECTION 1.** ORS 163.700 is amended to read:

5 163.700. (1) Except as provided in ORS 163.702, a person commits the crime
6 of invasion of personal privacy if:

7 (a)(A) The person knowingly makes or records a photograph, motion pic-
8 ture, videotape or other visual recording of another person in a state of
9 nudity without the consent of the person being recorded; and

10 (B) At the time the visual recording is made or recorded the person being
11 recorded is in a place and circumstances where the person has a reasonable
12 expectation of personal privacy; [*or*]

13 (b)(A) For the purpose of arousing or gratifying the sexual desire of the
14 person, the person is in a location to observe another person in a state of
15 nudity without the consent of the other person; and

16 (B) The other person is in a place and circumstances where the person
17 has a reasonable expectation of personal privacy[.]; **or**

18 **(c)(A) For the purpose of arousing or gratifying the sexual desire**
19 **of any person, the person knowingly views another person, or makes**

1 **or records a photograph, motion picture, videotape or other visual re-**
2 **ording of another person, without the other person’s knowledge or**
3 **consent; and**

4 **(B) At the time the other person is viewed, or at the time the visual**
5 **recording of the other person is made or recorded, the other person**
6 **is in a place and circumstances where the person has a reasonable**
7 **expectation of personal privacy.**

8 (2) As used in this section:

9 (a) “Makes or records a photograph, motion picture, videotape or other
10 visual recording” includes, but is not limited to, making or recording or
11 employing, authorizing, permitting, compelling or inducing another person
12 to make or record a photograph, **digital image**, motion picture, videotape
13 or **any** other visual recording **or transmission**.

14 (b) “Nudity” means any part of the uncovered or less than opaquely cov-
15 ered:

16 (A) Genitals;

17 (B) Pubic area; or

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

19 [(c) “Places and circumstances where the person has a reasonable expecta-
20 tion of personal privacy” includes, but is not limited to, a bathroom, dressing
21 room, locker room that includes an enclosed area for dressing or showering,
22 tanning booth and any area where a person undresses in an enclosed space
23 that is not open to public view.]

24 [(d)] (c) “**Open to public view**” means that an area can be readily seen
25 and that a person within the area can be distinguished by normal unaided
26 vision when viewed from **a location that is:**

27 (A) A public place as defined in ORS 161.015; **and**

28 (B) **A place where the viewer is not a trespasser.**

29 (d) “**Place and circumstances where the person has a reasonable**
30 **expectation of personal privacy**” includes, but is not limited to, any
31 **room in a person’s residence, a bathroom, a dressing room, a locker**

1 **room that includes an enclosed area for dressing or showering, a tan-**
2 **ning booth and any area where a person undresses in an enclosed**
3 **space that is not open to public view.**

4 **(e) “Views” means intentionally looking at another person for more**
5 **than a brief period of time, in other than a casual or cursory manner,**
6 **with the unaided eye or with a device designed or intended to improve**
7 **visual acuity.**

8 **(3)(a) Invasion of personal privacy is a Class A misdemeanor.**

9 **(b) Notwithstanding paragraph (a) of this subsection, invasion of**
10 **personal privacy is a Class C felony if the victim is under 12 years of**
11 **age.**

12 **SECTION 2. This 2014 Act being necessary for the immediate pres-**
13 **ervation of the public peace, health and safety, an emergency is de-**
14 **clared to exist, and this 2014 Act takes effect on its passage.**

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