CHAPTER 116

AN ACT HB 2299

Relating to the unlawful dissemination of intimate images; amending ORS 163.472.

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

SECTION 1. ORS 163.472, as amended by section 4, chapter 42, Oregon Laws 2024, is amended to read:

163.472. (1) A person commits the crime of unlawful dissemination of an intimate image if:

(a) The person, with the intent to harass, humiliate or injure another person, knowingly causes to be disclosed an image of the other person whose intimate parts are visible or who is engaged in sexual conduct;

(b) The person knows or reasonably should have known that the other person does not consent to the disclosure;

(c) The other person is harassed, humiliated or injured by the disclosure; and

(d) A reasonable person would be harassed, humiliated or injured by the disclosure.

(2)(a) Except as provided in paragraph (b) of this subsection, unlawful dissemination of an intimate image is a Class A misdemeanor.

(b) Unlawful dissemination of an intimate image is a Class C felony if the person has a prior conviction under this section at the time of the offense.

(3) As used in this section:

(a) "Disclose" includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.

(b) "Image" includes, but is not limited to, [*a photograph, film, videotape, recording, digital picture and other visual reproduction*] **the following**, regardless of the manner in which the image is stored**:**

(A) A photograph, film, videotape, recording, digital picture or other visual reproduction.

(B) A digitally created, manipulated or altered depiction that is reasonably realistic.

(c) "Information content provider" has the meaning given that term in 47 U.S.C. 230(f).

(d) "Interactive computer service" has the meaning given that term in 47 U.S.C. 230(f).

(e) "Intimate parts" means uncovered human genitals, pubic areas or female nipples.

(f) "Sexual conduct" means sexual intercourse or oral or anal sexual intercourse, as those terms are defined in ORS 163.305, or masturbation.

(4) This section does not apply to:

(a) Activity by law enforcement agencies investigating and prosecuting criminal offenses;

(b) Legitimate medical, scientific or educational activities;

(c) Legal proceedings, when disclosure is consistent with common practice in civil proceedings or necessary for the proper functioning of the criminal justice system;

(d) The reporting of unlawful conduct to a law enforcement agency;

(e) Disclosures that serve a lawful public interest;

(f) Disclosures of images:

(A) Depicting the other person voluntarily displaying, in a public area, the other person's intimate parts or engaging in sexual conduct; or

(B) Originally created for a commercial purpose with the consent of the other person; or

(g) The provider of an interactive computer service for an image of intimate parts provided by an information content provider.

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