



OREGON HOUSE OF REPRESENTATIVES

March 8, 2024

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building
Salem, OR 97301

RE: Vote Explanation on SB 4156B

Dear Chief Clerk Sekerak,

I appreciate and support updating our state's stalking laws to account for the impacts of new technology and to ensure victims of stalking have all the supportive resources Oregon can provide, including the protections afforded through our courts. Stalking is a frightening and destabilizing experience no one should have to endure. I agree with the intent and purpose of HB 4156. However, in an attempt to broaden the legal definitions around our anti-stalking laws, the language has become too broad in certain places. Therefore, I voted no on HB 4156.

Specifically, within a list of actions that constitute stalking "contact," Section 1(3)(p) states:

"(p) Causing a third person to harass, humiliate or injure the other person by disclosing the other person's name, image or personal information, as that term is defined in ORS 30.835, without the consent of the other person."

As articulated in testimony by the ACLU of Oregon, the expansion of the definition of stalking to include Section 1(3)(p), as written, could have an impermissible chilling effect on critical speech and press coverage, posing a significant risk to Constitutionally protected speech. A journalist, in the course of standard journalistic practices, reports someone's "name, image or personal information." In some instances, reporting may cause or activate a third person to use that "name, image, or personal information" to "harass, humiliate or injure" the person, even though that is not the intent of the reporter. While it may not be the intention of the bill to criminalize that speech, the plain language is vague and could easily lead an ordinary Oregonian to believe there is a serious risk to their true, critical speech or press coverage. This subsection could stifle or punish protected speech.

More generally, the conclusion that the disclosure of a person's "name, image or personal information" might *cause* a third person to "harass, humiliate or injure" someone is vague and open to wide ranging interpretations. Even with the limiting language of ORS 30.866, "causing" remains worryingly broad; what does it mean for a person to "recklessly" cause a third party's action? Is a journalist "reckless" to publicly post a controversial yet true article about a scandal they have exposed? Most stories exposing



FARRAH CHAICHI
STATE REPRESENTATIVE
DISTRICT 35



OREGON HOUSE OF REPRESENTATIVES

an individual's wrongdoing or some controversy about an individual have some consequences: the object of reporting may receive hate mail or—if they have done something illegal or morally reprehensible—may face employment consequences. Both constitute “injury.”

It seems extremely alarming that a person could be considered liable for stalking because they “recklessly” shared an individual's name, image, or personal information only to have it misused by a second person. If the person is going to be held liable for a third party's response to their speech, then the law should minimally require that they *intended* for the third person to cause harm. Again, while I very much doubt that the drafters intend this outcome, the apparent potential for abuse of this section led me to vote no.

Respectfully,

Representative Farrah Chaichi, House District 35

