

# Senate Bill 763

Sponsored by Senator NASH (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates a new crime if a health care provider makes an unlawful disclosure about certain crime victims. (Flesch Readability Score: 62.8).

Creates the crime of unlawful disclosure of information about a victim of sexual assault or sex trafficking. Punishes the first offense by a maximum of 364 days' imprisonment, \$6,250 fine, or both. Punishes the second or subsequent offense by a maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to the unlawful disclosure of information about crime victims.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Health care provider" has the meaning given that term in ORS 192.556.**

6 (b) **"Sex trafficking" has the meaning given that term in ORS 137.221.**

7 (c) **"Sexual assault" has the meaning given that term in ORS 181A.323.**

8 (2) **A person commits the crime of unlawful disclosure of information about a victim of**  
9 **sexual assault or sex trafficking if the person is a health care provider who:**

10 (a) **In the course of providing health care to a patient learns that the patient was a vic-**  
11 **tim of sexual assault or sex trafficking; and**

12 (b) **Without the patient's consent or authorization, knowingly discloses the information**  
13 **regarding the sexual assault or sex trafficking to a third person in writing, in person or**  
14 **electronically, including by posting the information to a website.**

15 (3) **Subsection (2) of this section does not apply to a health care provider disclosing pro-**  
16 **TECTED health information as permitted by ORS 192.553 to 192.581 or the federal Health In-**  
17 **surance Portability and Accountability Act of 1996 (P.L. 104-191) and regulations adopted**  
18 **under that law including 45 C.F.R. parts 160 and 164.**

19 (4)(a) **Unlawful disclosure of information about a victim of sexual assault or sex traf-**  
20 **ficking is a Class A misdemeanor.**

21 (b) **Notwithstanding paragraph (a) of this subsection, unlawful disclosure of information**  
22 **about a victim of sexual assault or sex trafficking is a Class C felony if the health care pro-**  
23 **vider, at the time of committing the offense, has one or more prior convictions under this**  
24 **section.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.