

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 489** HLS 15RS 766

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 24, 2015	8:08 AM	Author: STOKES
Dept./Agy.: Corrections		
Subject: Nonconsensual Disclosure of a Private Image		Analyst: Monique Appeaning

CRIME EG INCREASE GF EX See Note
Creates the crime of nonconsensual disclosure of a private image

The proposed legislation creates the crime of nonconsensual disclosure of a private image when certain instances occur: 1) the person intentionally disclosed an image of another person who is 17 yrs of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part, 2) the person obtained the image under circumstances in which a reasonable person would know or understand that the image was to remain private, 3) the person knew or should have known that the person in the image has not consented to the disclosure of the image, 4) the person has the intent to harass or cause emotional distress to the person in the image, or the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image. This legislation also provides for a maximum \$10,000 fine for the offense and/or a maximum 2 years of imprisonment.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a person is convicted of nonconsensual disclosure of a private image and is sentenced to a maximum of 2 years of imprisonment.

SGF expenditures will increase by \$51.62 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,841 (\$51.62 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

REVENUE EXPLANATION

The proposed legislation may result in an increase in revenue as result of potential fines. The fine assessed for the offense of nonconsensual disclosure of a private image is a maximum of \$10,000. This revenue change will impact the local governing authority.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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