

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 187** HLS 19RS 337
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 13, 2019 7:44 AM	Author: LARVADAIN
Dept./Agy.: Public Safety and Corrections	Analyst: Monique Appeaning
Subject: Enhanced Penalties for the Crime of Video Voyeurism	

CRIME/SEX OFFENSES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides enhanced penalties for the crime of video voyeurism under certain circumstances

Proposed law provides that if an offender is eighteen years of age or older and is a caretaker of the victim who is under the age of sixteen years, the offender shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than fifteen years. Proposed law provides that if an offender is eighteen years of age or older and is employed by or volunteers for any public or private elementary or secondary school or any early learning center as defined in present law and the offense is committed against a student of the public or private elementary or secondary school or any early learning center, the offender shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than fifteen years. Proposed law provides that if an offender is twenty-four years of age or older and commits the offense against a victim who is under the age sixteen years, the offender shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than fifteen years. Proposed law provides for definitions.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
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	2019-20	2020-21	2021-22	2022-23	2023-24	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	SEE BELOW					
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a person convicted is:

- **Eighteen years of age or older** and is a **caretaker of the victim who is under the age of sixteen years**, the offender shall be imprisoned at hard labor for a maximum of fifteen years.
- **Eighteen years of age or older** and is **employed by or volunteers for any public or private elementary or secondary school or any early learning center** as defined in present law and **the offense is committed against a student of the public or private elementary or secondary school or any early learning center**, the offender shall be imprisoned at hard labor for a maximum of fifteen years.
- **Twenty-four years of age or older** and **commits the offense against a victim who is under the age sixteen years**, the offender shall be imprisoned at hard labor for a maximum of fifteen years.

Present law provides for specific video voyeurism penalties if the observing, viewing, photographing, filming, or videotaping is of any child under the age of seventeen with the intention of arousing or gratifying the sexual desires of the offender, the offender shall be imprisoned at hard labor for not less than two years or more than ten years without benefit of probation, parole, or suspension of sentence.

SGF expenditures will increase by \$60.09 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. Each year an offender is sentenced to the custody of the Department of Public Safety and Corrections - Correction Services creates an annual SGF expenditure obligation of \$21,992.03 (\$60.09 per day x 366 days) if housed in a state facility and \$8,926.74 (\$24.39 per day x 366 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds revenue as a result of potential fines if a person is convicted of specific video voyeurism crimes. The maximum fine is \$10,000. The potential revenue will accrue to the local governing authority. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

<p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p>	<p><u>Dual Referral Rules</u></p>	<p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p>
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Evan Brasseaux
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Staff Director