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FISCAL IMPACT REPORT

SPONSOR: Sandoval DATE TYPED: 02/25/03 HB 512

SHORT TITLE: Unauthorized Recording Act Violations SB _____

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	None				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Attorney General (AG)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 512 amends Section 30-16B-3 NMSA 1978 to change the threshold for violations related to unauthorized sound and audiovisual recordings. The language “during a one hundred eighty day period” is also deleted.

Significant Issues

Currently, Section 30-16B-1 et. seq. makes it a crime for unauthorized recordings, either audio or video, to be made, sold or transferred. The current statute requires a certain number of unauthorized recordings within a certain time period for it to be a crime. The proposed legislation changes the threshold number of unauthorized recordings required for criminal penalties and abolishes any time period restraints for criminal penalties. For example, currently the statute requires that 100 or more unauthorized sound recordings be made within 180 days for a fourth degree felony. As proposed, the new bill would decrease that number to 7 and abolish the requirement that they be made within 180 days. The bill makes those same threshold changes to each of the different penalty sections of the statute.

OTHER SUBSTANTIVE ISSUES

The Attorney General indicates this bill makes the criminal penalty sections of the statute more consistent between the “sound” unauthorized recordings and the “audiovisual” unauthorized recordings, in that it proposes the same threshold number for both types of unauthorized recordings.

JMG/njw