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## FISCAL IMPACT REPORT

SPONSOR: Wilson-Beffort DATE TYPED: 2/06/03 HB \_\_\_\_\_

SHORT TITLE: “Voyeurism” and “Electronic Voyeurism” Defined SB 76

ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative		

### SOURCES OF INFORMATION

Responses Received From  
 Department of Public Safety  
 Administrative Offices of the Courts  
 Corrections Department

### SUMMARY

#### Synopsis of Bill

Senate Bill 76 creates two new sections of the criminal code. The bill defines “voyeurism” and “electronic voyeurism”, and establishes the penalties for these crimes.

Voyeurism is defined as “hiding, waiting or otherwise loitering in the vicinity of a private dwelling, apartment building or any other residence, or in the vicinity of a locker room, dressing room, restroom, or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to view, watch, gaze or look upon a person in a clandestine manner.”

Electronic Voyeurism is defined as “using photographic, electronic or video equipment in a clandestine manner for an illegal, illegitimate, lewd, or lascivious purpose with the intent to view, watch, gaze or look upon a person, without the knowledge or consent of the person, when the person is in a place where there is a right to a reasonable expectation of privacy.”

SB 76 exempts certain law enforcement personnel, including corrections officers, when performing legitimate job functions.

Anyone committing the offense of voyeurism is guilty of a misdemeanor.

Anyone committing electronic voyeurism is guilty of a fourth degree felony.

Significant Issues

Many states have encountered difficulties dealing with individual's committing these types of offenses, particularly electronic voyeurism, because their laws are outdated and do not adequately address non-violent / non-threatening, yet traumatic and humiliating, harassment, the violation of a person's privacy and dignity, and the developments in technology.

**FISCAL IMPLICATIONS**

SB 76 does not contain an appropriation. The Corrections Department estimates between 20 and 50 voyeurism or electronic voyeurism cases developing each year. While the number of cases is expected to be moderate, the administration and enforcement of this new provision of the criminal code will result in additional workloads and expenditures for agencies such as the District Attorneys Office, the Public Defenders Office, the Courts and the Corrections Department.

**SJM/sb**