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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13

SPONSOR O'Neil LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Recording of Communications Without Consent SB 261

ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY13 | FY14 | FY15 | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| <b>Total</b> | NFI  | NFI  | NFI  | NFI                  | Recurring                    | General<br>Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Bill 127

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Attorney General's Office (AGO)  
 Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 261 creates the misdemeanor crime of "Unlawful Recording," consisting of electronic or digital recording or transmitting of any oral communication without the consent of all parties to the communication. The bill sets out exceptions for enforcement of court orders, law enforcement and public safety officers, employees in the course of their daily duties, communications of an emergency nature such as 911 calls, and in cases of unlawful requests or demands.

### FISCAL IMPLICATIONS

It is possible that this legislation could lead to an increase in criminal convictions, but the small number of potential offenses and the potential penalties of the offense make it likely that any increased costs would easily be absorbed by affected agencies.

**SIGNIFICANT ISSUES**

The AGO notes that the bill does not seem to include texting (or sexting), social media, email or any of the myriad forms of recording a communication that was intended, by at least one of the parties, to remain private.

NCJ/bm