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FISCAL IMPACT REPORT

SPONSOR	SCORC	ORIGINAL DATE	2/23/07	LAST UPDATED	3/08/07	HB	
	Public Peace, Health, Safety and Welfare						
SHORT TITLE	(Criminal Offense of Voyeurism)					SB	CS/1207/aSJC/aSFL#1
						ANALYST	C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SFL Amendment

The Senate Floor amendment strikes language that differentiated between the ages of the victim. The amendment instead only differentiates between those victims under eighteen and those over eighteen. Those committing voyeurism where the victim is eighteen and over is guilty of a misdemeanor, if the victim is under eighteen they are guilty of a fourth degree felony.

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment on page 1, line 11, strikes “Criminal Law” and inserts in lieu thereof “The Public Peace, Health, Safety and Welfare”.

The amendment is a technical correction.

Synopsis of Original Bill

The Senate Corporations and Transportation Committee Substitute for Senate Bill 1207 enacts a new section of the criminal code. The bill prohibits and sets penalties for voyeurism in the State of New Mexico.

Voyeurism consists of intentionally using the unaided eye or electronic instruments to view, photograph, videotape, film, web cast or record the intimate areas of another person without knowledge and consent of that person.

"Intimate areas" means the primary genital area, groin, buttocks, anus or breasts or the undergarments that cover those areas

Those who commit voyeurism of a person over eighteen years old would be charged with a fourth degree felony.

Those who commit voyeurism of a person between the ages of eighteen and nine years old would be charged with a third degree felony.

Those who commit voyeurism of a person under nine years old would be charged with a second degree felony.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the state would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

According to the Department of Corrections, it is very difficult to accurately predict just how many individuals will be convicted of this new crime.

The contract/private prison annual cost of incarcerating an inmate is \$23,867 per year for males. The cost per client to house a female inmate at a privately operated facility is \$21,651 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,467 per year. The cost per client in Intensive Supervision programs is \$3,383 per year. The cost per client in department-operated Community Corrections programs is \$3,503 per year. The cost per client in privately-operated Community Corrections programs is \$7,917 per year. The cost per client per year for male and female residential Community Corrections programs is \$39,401.

SIGNIFICANT ISSUES

Currently only a few US states have specific video voyeurism laws in place, and most target violations in private places. The Senate Corporations and Transportation Committee Substitute for Senate Bill 1207 targets both private and public areas.

PERFORMANCE IMPLICATIONS

This bill could have a minimal to substantial negative impact on state courts, public defenders, district attorneys, and the Corrections Department's prison and probation/parole programs by increasing the number of defendants, cases, and inmates in need of services.

ADMINISTRATIVE IMPLICATIONS

There may be an administrative impact on the courts as the result of an increase in the amount of time necessary to dispose of cases.

ALTERNATIVES

Add a section outlawing videotaping or photographing "under or through" another person's clothing without their consent.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico will remain one of the few states who does not criminalize voyeurism.

CS/csd