

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 635** HLS 16RS 1131
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 28, 2016 5:40 PM	Author: HUNTER
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Unmanned Aircraft Systems	

CRIME OR INCREASE GF EX See Note Page 1 of 2

Adds the use of unmanned aircraft systems as elements of certain crimes involving the invasion of privacy

Present law provides for the crimes of video voyeurism, voyeurism, and peeping Tom. All of the crimes involve the uninvited observation of another for lewd or lascivious purposes. Proposed law retains the provisions of present law and includes the use of unmanned aircraft systems as an element of each crime. Proposed law defines an "unmanned aircraft system" as an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	2016-17	2017-18	2018-19	2019-20	2020-21	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

This legislation may result in an indeterminable increase in SGF expenditures if a defendant is convicted of using an unmanned aircraft via video voyeurism (R.S.14:283), voyeurism (R.S.14:283.1), and/or peeping Tom (R.S.14:284). Proposed law adds use of unmanned aircraft systems as an element of each of these crimes.

The maximum imprisonment terms for the crime of video voyeurism are: first conviction is two (2) years, with or without hard labor; and second or subsequent conviction is three (3) years, hard labor, without the benefit of parole, probation, or suspension of sentence. However, in certain egregious instances the maximum imprisonment terms for this crime are: five (5) years with hard labor without the benefit of parole, probation, or suspension of sentence and when these certain egregious instances involve children the maximum imprisonment term is ten (10) years, at hard labor without benefit of parole, probation, or suspension of sentence.

The maximum imprisonment terms for the crime of voyeurism are: first conviction is six (6) months; second conviction or subsequent conviction is one (1) year, with or without hard labor.

The maximum imprisonment terms for the crime of peeping Tom are: first conviction is six (6) months; second conviction is six (6) months; third or subsequent conviction is one (1) year, with or without hard labor.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of ten (10) years, the cost in a state facility would be \$188,630 (1 offender x \$18,863 per year x 10 years).

Note: Convictions that are 6 months are misdemeanors and not state offenses.

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REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in local funds revenue as a result of potential fines imposed for using an unmanned aircraft via video voyeurism, voyeurism, and/or peeping Tom. The existing maximum fines in certain instances are: video voyeurism \$10,000; voyeurism \$1,000 and peeping Tom \$1,000.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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Staff Director

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CONTINUED EXPLANATION from page one:

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Continued Expenditure Explanation From Page One

Under present law, the number of state offenders incarcerated for Video Voyeurism (R.S.14:283) is 19 with an average imposed sentence of 13.9 years and an average time served of 2.69 years.

Under present law, the number of state offenders incarcerated for Voyeurism (R.S.14:283.1) is 0.

Under present law, the number of state offenders incarcerated for peeping Tom (R.S.14:284) is 0.

Senate Dual Referral Rules House

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6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

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