

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 138** HLS 24RS 428
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 4, 2024	9:59 AM	Author: SCHLEGEL
Dept./Agy.: Corrections/Sheriffs		Analyst: Daniel Druilhet
Subject: Nonconsensual Disclosure of a Private Image		

CRIME EG SEE FISC NOTE LF EX See Note Page 1 of 1
 Provides relative to the crime of nonconsensual disclosure of a private image

Current law provides that nonconsensual disclosure of a private image occurs when (1) a person intentionally discloses an image of another person 17 years of age or older, who is identifiable from the image or information displayed in connection with the image; and either whose intimate parts are exposed in whole or in part; (2) the person who discloses the image has the intent to harass or cause emotional distress to the person in the image, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image; (3) when the person depicted in the image voluntarily or knowingly exposed his or her intimate parts or engaged in sexual conduct in a public setting. Proposed law removes the requirement that a victim of nonconsensual disclosure be 17 years of age or older; adds engagement in sexual conduct as a condition in which a person can be a victim of nonconsensual disclosure of a private image; removes the requirement that an offender have specific intent to harass or cause emotional distress to a victim; adds that a person engaged in sexual conduct in a public setting is not included within the class of victims of the proposed law.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services, to the extent that an offender sustains a conviction for nonconsensual disclosure of a private image. While the proposed law does not enhance penalties for potential offenders, it removes any age requirement imposed on a victim, and removes the requirement that the offender have any specific intent to harass or cause emotional distress to the victim, which has the potential of increasing the class of victims to which the proposed law applies.

The exact fiscal impact of the passage of this legislation to expenditures is indeterminable, since it is not known how many people will be convicted and subsequently incarcerated for its violation, nor the length of the sentences assessed with those convictions as a result of its potential enactment. Proposed law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation. For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

Proposed law may result in an indeterminable increase in Local Funds expenditures to local governing authorities, to the extent that offenders sustain misdemeanor convictions for nonconsensual disclosure of a private image. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than 2 years at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of nonconsensual disclosure of a private image. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are optional, and the number of fines that will be imposed on offenders convicted of proposed law may vary. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
 Deputy Fiscal Officer