

LFC Requester:	Chenier, Eric
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 18, 2014

Bill No: HB201-305 Feb 18

Agency Code 305

Sponsor: Sen. Sharon Clahchischilliage

Reviewing Attorney General's Office

Short Attempt to View; Expanding

Person Writing Kevin A. Graham, AAG

Title: Voyeurism

Phone: 505-222-9012 **Email** kgraham@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

The amendment made by the House Judiciary Committee to SECTION 1 of the bill, striking the words “while that person is in a state of undress or partial dress” [language that would have been added to subsection (A) of §30-9-20 NMSA 1978 under the original bill] resolves the concern of the AGO related to incidents where an offender may try to view/record under a victim’s clothing when the victim is otherwise fully clothed.

Known as “upskirt” this type of act typically involves an offender attempting to view or record images under the clothing of unsuspecting women who are wearing skirts or dresses so that the offender may view the victim’s intimate areas. The House Judiciary Committee amendment strikes the unnecessary and potentially confusing language requiring acts of voyeurism to be done “while that person is in a state of undress or partial dress.”

The remainder of the bill is unchanged and the prior analysis provided by the AGO regarding H 201 continues to be applicable.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS NEEDED TO IMPROVE THIS BILL