

SB 89-FN - AS INTRODUCED

2019 SESSION

19-0596
04/08

SENATE BILL **89-FN**
AN ACT relative to the penalties for violation of privacy.
SPONSORS: Sen. Gray, Dist 6; Sen. Watters, Dist 4
COMMITTEE: Judiciary

ANALYSIS

This bill changes the penalty for entering a residential curtilage or other private place and looking into the residence or other private place thereon.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the penalties for violation of privacy.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Violation of Privacy. Amend RSA 644:9, IV to read as follows:

2 IV. A person is guilty of [~~a misdemeanor~~] ***an offense*** if such person knowingly enters any
3 residential curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph
4 II of this section, without lawful authority and looks into the residential structure thereon or other
5 private place with no legitimate purpose. ***Any person who violates this paragraph shall be***
6 ***guilty of a misdemeanor for a first offense and a class B felony for a second or subsequent***
7 ***offense.***

8 2 Effective Date. This act shall take effect January 1, 2020.

**SB 89-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the penalties for violation of privacy.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill changes the penalty for entering a residential curtilage or other private place and looking into the residence or other private place thereon. The penalty for a second or subsequent offense is increased from an unspecified misdemeanor to a class B felony.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Routine Criminal Felony Case	\$481	\$486
Appeals	Varies	Varies

It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.

Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

The Department of Justice indicates it would not be involved in prosecutions or investigations related to this bill and any appeals would be handled within the current budget.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Corrections and Justice, and New Hampshire Association of Counties