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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 406
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 406's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Schmidt

Local Impact Statement Procedure Required: No

Jamie Duskocil, Fiscal Supervisor

Highlights

- Local criminal justice systems may experience an increase in their annual operating costs, albeit minimally, to process cases involving voyeurism. The number of impacted cases statewide, and subsequently the number of sentenced individuals, is likely to be negligible for any given jurisdiction.
- Criminal convictions may generate negligible additional annual court cost revenue credited to the state's Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- There may be a minimal annual increase in incarceration costs for county and municipal justice systems, and the departments of Rehabilitation and Correction and Youth Services, as a relatively small number of adults and juveniles may be sentenced to a term of incarceration, or a longer term of incarceration, than might have been the case under current law.

Detailed Analysis

The bill modifies the offense of "voyeurism." Most notably, the bill creates penalty enhancements if certain conditions are met, for instance if an offender was previously convicted of or pleaded guilty to any voyeurism offense on one of more occasions. The bill also broadens and clarifies certain criteria for the act of voyeurism including defining a "place where a person has a reasonable expectation of privacy" and "private area." The table in the "**Appendix**" summarizes the offense of voyeurism prohibitions under current law and the bill, including the offense levels, maximum fines, and possible jail or prison terms.

The net impact of the bill's changes is that it may make some allegations and charges of voyeurism easier to investigate, charge, and prosecute, and some number of cases may be

charged as felonies rather than misdemeanors. As such, there may be a slight increase in the number of criminal cases generated annually, thus increasing the costs to local criminal justice systems. To the degree that new cases are generated or cases are subjected to the felony-level penalty enhancements and a county or municipal justice system incurs costs, those costs will likely be minimal annually, as violations are expected to be few and infrequent relative to existing criminal caseloads.

Costs may be offset to some degree by the collection of fines, and court costs and fees imposed by the court. Fines are generally credited to a county's general fund, while local court costs and fees can be deposited for a mix of general and special purposes.

For felonies, state court costs are \$60 and credited as follows: \$30 to the Indigent Defense Support Fund (Fund 5DY0) and \$30 to the Victims of Crime/Reparations Fund (Fund 4020). For misdemeanors, state court costs are \$29 and credited as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.

Because of the bill, there may be a marginal annual increase in state and local incarceration expenditures. This would be attributable to a relatively small number of offenders being sentenced to a term of incarceration, or a longer term, than otherwise might have been the case under current law.

Appendix

Voyeurism Prohibition and Penalty Modifications			
Offense	Offense Level	Maximum Fines	Term of Incarceration
Spying or eavesdropping on another person – current law	3 rd degree misdemeanor	\$500	Jail, not more than 60 days
New – Any prior voyeurism conviction	2 nd degree misdemeanor	\$750	Jail, not more than 90 days
New – Any two or more prior voyeurism convictions	1 st degree misdemeanor	\$1,000	Jail, not more than 180 days
Recording another person – as modified by the bill	1 st degree misdemeanor (2 nd degree misdemeanor current law)	\$1,000	Jail, not more than 180 days
New – Any prior voyeurism conviction	5 th degree felony	\$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
New – Any two or more prior voyeurism convictions	4 th degree felony	\$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
Recording another person who is a minor – current law	5 th degree felony	\$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
New – Any prior voyeurism conviction	4 th degree felony	\$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
New – Any two or more prior voyeurism convictions	3 rd degree felony	\$10,000	9, 12, 18, 24, 30, or 36 months definite prison term
Recording another person through clothing – current law	1 st degree misdemeanor	\$1,000	Jail, not more than 180 days
New – Any prior voyeurism conviction	5 th degree felony	\$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
New – Any two or more prior voyeurism convictions	4 th degree felony	\$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term