

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

|                        |                              |
|------------------------|------------------------------|
| <b>Bill No.:</b>       | <b>HB3073</b>                |
| <b>Version:</b>        | <b>CS</b>                    |
| <b>Request Number:</b> | <b>10017</b>                 |
| <b>Author:</b>         | <b>Hays</b>                  |
| <b>Date:</b>           | <b>2/8/2024</b>              |
| <b>Impact:</b>         | <b>DOC: Minimal</b>          |
|                        | <b>AOC: Revenue positive</b> |

**Research Analysis**

The CS to HB 3073 criminalizes the dissemination or publishing of a digitization depicting another person's name, image, or likeness without their written consent and with the intent to cause emotional, financial, or physical harm. The penalty is established as a misdemeanor upon a first offense. A second offense is a felony punishable by up to 1 year imprisonment and a fine of \$5,000. The measure also provides that any digitization must include a disclosure that the image is a digitization. The penalty for failure to disclose is to be a misdemeanor.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

This measure creates a new misdemeanor and felony for the dissemination and publication of certain digitizations. Persons convicted of such crimes shall be guilty of a misdemeanor on first offense, and a second offense shall result in a felony punishable by no less than one year imprisonment and a fine of \$5,000.

This has the potential to create additional imprisonments for the Department of Corrections (DOC) at a marginal rate of \$16.60/day per inmate to be absorbed by existing budgetary resources, as well as generate additional revenues for the Administrative Office of the Courts (AOC), however the frequency of convictions for a new crime cannot be predicted.

The CS adds language to include an additional type of digitization and does not create fiscal impact.

Prepared By: Robert Flipping IV, House Fiscal Staff

**Other Considerations**

None.