

## STATEMENT OF PURPOSE

### RS26008

The purpose of this legislation is to amend 18-6609 to revise the definition of "intimate areas," to define the term "sexual act," to revise the provisions regarding when a person is guilty of video voyeurism, and to add exceptions to the application of the statute.

18-6609(2)(b), as currently written, has been challenged on the grounds that the statute places an unconstitutional restriction on free speech. As a result of these challenges, there is a split in authority amongst district court judges in Idaho. At least one district court judge has ruled that 18-6609(2)(b) is constitutional while other judges have ruled that it is unconstitutional. The proposed amendments would address the overbreadth concerns cited by the district court judges and would make the statute more narrowly tailored.

### FISCAL NOTE

There will be no fiscal impact to the general fund. It is not anticipated that there will be any fiscal impact due to the changes in law provided by this bill. While the language provides specificity to Idaho code, it is unlikely that the changes will impact the number of individuals charged for violations of the statute.

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**