

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 486 - SB 991

March 11, 2015

SUMMARY OF BILL: Creates a cause of action against anyone who knowingly enters onto the land of another without permission or otherwise commits a trespass in order to invade the privacy of another person with the intent to capture any type of visual image, sound recording, or other physical impression of the person engaging in a personal or familial activity, or who physically invades the person's privacy in a manner that is offense to a reasonable person.

Creates a cause of action against anyone who captures or attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image sound recording, or other physical impression of a person engaging in a personal or familial activity under circumstances in which the person had a reasonable expectation of privacy, through the use of any device, regardless of whether there is a physical trespass; provided that the image, sound recording, or other physical impression could not have been achieved without a trespass unless the device was used.

Creates a cause of action against anyone who commits an assault or false imprisonment for the purpose of, and with the intent to, capture any type of visual image, sound recording, or other physical impression of the person.

Creates a cause of action against anyone who directs, solicits, induces, or causes another person, regardless of whether there is an employer-employee relationship to commit any of the acts aforementioned.

Anyone in violation of the act shall be liable for general damages, special damages, and punitive damages up three times the amount of general and special damages combined.

The defendant must forfeit to the plaintiff any proceeds or other consideration received as a result of the violation if the plaintiff proves it was for a commercial purpose.

Creates a cause of action against the person who first transacted for the visual image sound recording, or other physical impression if the person knew that it was taken or captured in violation of the act and paid for the visual image sound recording, or other physical impression.

The cause of action only applies to acts committed on or after July 1, 2015.

It is no defense that no image, recording, or physical impression was captured or sold.

Provides that the act shall not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

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ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- The Administrative Office of the Courts confirms that any impact can be accommodated within existing resources without any additional appropriation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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