



House of Representatives

General Assembly

File No. 616

January Session, 2003

Substitute House Bill No. 5514

House of Representatives, May 1, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING THE PENALTY FOR VOYEURISM AND PROHIBITING THE PRESENCE OF MINORS IN CLASS III GAMING FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-189a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) A person is guilty of voyeurism when, with malice or intent to
4 arouse or satisfy the sexual desire of such person or any other person,
5 such person knowingly photographs, films, videotapes or otherwise
6 records the image of another person (1) without the knowledge and
7 consent of such other person, (2) while such other person is not in
8 plain view, and (3) under circumstances where such other person has a
9 reasonable expectation of privacy.

10 (b) Voyeurism is a class [A misdemeanor] D felony.

11 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this

12 section:

13 (1) "Gaming facility" means any room in which class III gaming, as
14 legally authorized pursuant to a tribal-state compact governing the
15 conduct of gaming activities on Indian lands or federal procedures
16 issued by the Secretary of the Interior, is conducted, but does not
17 include a room limited to the playing of bazaar games;

18 (2) "Class III gaming" has the same meaning as provided in the
19 Indian Gaming Regulatory Act, 25 USC 2703; and

20 (3) "Alcoholic liquor" has the same meaning as provided in section
21 30-1 of the general statutes.

22 (b) No person under the minimum age for the purchase of alcoholic
23 liquor under the provisions of chapter 545 of the general statutes shall
24 be present in any gaming facility, except that, unless otherwise
25 prohibited by law, a person over the age of majority may be employed
26 in a gaming facility if such person has obtained any license required by
27 the state for such employment and such employment does not include
28 handling or serving alcoholic liquor. Any person under such minimum
29 age for the purchase of alcoholic liquor who violates the provisions of
30 this subsection shall be fined not more than one hundred dollars.

31 (c) Any person under the minimum age for the purchase of
32 alcoholic liquor under the provisions of chapter 545 of the general
33 statutes who is present in any gaming facility and directly or indirectly
34 places a wager in such gaming facility shall be guilty of a class A
35 misdemeanor.

36 (d) Any person under the minimum age for the purchase of
37 alcoholic liquor under the provisions of chapter 545 of the general
38 statutes who, for the purpose of gaining access to a gaming facility, (1)
39 misrepresents such person's age, or (2) uses or exhibits (A) a forged,
40 counterfeit or altered government-issued identity card, passport or
41 motor vehicle operator's license, or (B) a government-issued identity
42 card, passport or motor vehicle operator's license belonging to any

43 other person, shall be fined not less than one hundred dollars nor more
44 than five hundred dollars or imprisoned not more than thirty days, or
45 both.

46 (e) Nothing in this section shall be construed to prohibit minors
47 from receiving lottery tickets or chances in lawfully operated games of
48 chance as gifts.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.; Correction, Dept.; Public Safety, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for the crime of voyeurism by making it a class D felony rather than a class A misdemeanor.¹ In FY 02 there were 28 offenses and 14 people were convicted with no fines imposed. No one was incarcerated for this offense and ten offenders were on probation. By raising the criminal penalty, the bill could increase the likelihood of incarceration for offenders and result in a cost to the state. The average annual cost to incarcerate someone is \$26,331 (\$72/day) not including capital or staff fringe benefit costs. Alternatively, the annual cost of probation could be as high as \$1,000 for offenders under the bill. Any revenue from fines is anticipated to be minimal.

The bill establishes penalties for any person under the age of 21 who: (1) is present in a gaming facility (a violation of up to \$100); (2) directly or indirectly places a wager in a gaming facility (class A misdemeanor); or (3) uses false identification papers or misrepresents such person's age in order to gain access to a gaming facility (fine of between \$100 - \$500 and/or imprisoned up to 30 days.) The potential number of violations and offenses is unknown.

OLR Bill Analysis

sHB 5514

AN ACT INCREASING THE PENALTY FOR VOYEURISM AND PROHIBITING THE PRESENCE OF MINORS IN CLASS III GAMING FACILITIES**SUMMARY:**

This bill restricts access of people under age 21 in Indian casinos that conduct class III gaming, and imposes fines, imprisonment, and criminal penalties for violations. Under federal law, class III games are casino-type games of chance, including blackjack, poker, dice, roulette, and baccarat.

The bill also increases the criminal penalty for voyeurism, making it a class D felony, rather than a class A misdemeanor. By law, a person is guilty of voyeurism when, with malice or intent to arouse or satisfy his or someone's else's sexual desires, he knowingly photographs, films, videotapes, or records another person's image (1) without that person's knowledge and consent, (2) when the subject is not in plain view, and (3) under circumstances where that person reasonably expects privacy.

A class D felony is punishable by imprisonment for one to five years, a fine of up to \$5,000, or both. A class A misdemeanor is punishable by imprisonment for up to one year, a fine of up to \$2,000, or both.

EFFECTIVE DATE: October 1, 2003

CASINOS***Restricted Access***

Under the bill, the only people under age 21 allowed in rooms where class III gaming is conducted are casino employees who are over age

¹ A class D felony is punishable by a fine of up to \$5,000 and imprisonment of up to 5 years; a class A misdemeanor is punishable by a fine of up to \$2,000 and imprisonment of up to 1 year.

18 and licensed by the state's Division of Special Revenue, if their job duties require licensing. Such employees cannot serve or handle alcohol or be present in these locations if other laws prohibit it.

The bill does not limit access to rooms where only bazaar games are conducted (games of chance involving merchandise rather than cash prizes) or to casino areas where class III gaming is not conducted. It specifies that it should not be interpreted to prohibit minors from receiving gifts of lottery tickets or chances in lawfully operated games.

Penalties

Under the bill, any underage person other than a casino employee described above who is present in a room where class III games are conducted is subject to a fine of up to \$100. If he directly or indirectly places a wager, he is guilty of a class A misdemeanor. And anyone under age 21 who tries to get into a room where class III games are played by using or exhibiting someone else's driver's license, passport, or other government-issued identity card or one that is forged, counterfeit, or altered is subject to a fine of between \$100 to \$500, imprisonment for up to 30 days, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 39 Nay 1