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**Neutral Testimony on House Bill 2277
Child Protection Registry Act**

**Presented to the House Committee on the Judiciary
By Deputy Attorney General James Welch**

February 23, 2015

Chairman Barker and Members of the Committee:

Thank you for the opportunity to submit this testimony on the Child Protection Registry Act on behalf of Kansas Attorney General Derek Schmidt.

The attorney general supports the intent behind this legislation to keep email marketers, and other electronic marketers, from sending emails to minors for products that are illegal for them to buy. There is no doubt that Kansas has a strong public interest in empowering parents, not marketers, to determine what information their children receive, and giving parents an additional tool to try to keep materials inappropriate for children out of young hands is an important and worthy goal.

Two states – Utah and Michigan – have adopted similar legislation, and in communication with officials in those states we have learned that the operations seem to be viewed generally as satisfactory. In the course of our research on this proposed legislation, we did discover that other states as well as the Federal Trade Commission have considered but recommended against adopting similar measures. We include that information from our research only in the interest of informing the Committee of the existence of multiple points of view on this subject.

If the Legislature decides Kansas should implement such a registry, we would encourage your consideration of the following practical points.

First, expectations for compliance and enforcement should not be set too high. The strongest and most-effective registry possible will not stop pure scammers and fraudsters, or others intent on harming children, from communicating with them in violation of this law. Once a violation has occurred, the real-world limitations on enforcement still will exist – for example, emails originating from outside the United States will be remain difficult or impossible for the State to track down and enforce against. We recognize that the strong public interest in “taking a stand” against those who would market inappropriate materials to children may readily outweigh this concern in the judgment of the Legislature.

Second, there are several technical and/or “mechanical” issues within the bill as currently drafted that we think would render implementation difficult. We had raised several of these issues with the Revisor and some of the bill’s advocates prior to introduction, but the timing of introduction prevented their inclusion in the bill as introduced. Therefore, we have worked with the Revisor to prepare a balloon. If the Committee recommends this bill, we encourage you to amend it with the balloon in order to make implementation as practical as possible.

Thank you for your consideration. If the Legislature decides to implement this policy in Kansas, we will do our best at the attorney general’s office to hire the necessary enforcement staff and to make it work.

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