

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2594

As Amended by House Committee of the Whole

Brief*

HB 2594, as amended, would amend the crime of blackmail within the Kansas Criminal Code by modifying certain elements and changing its connection to the crime of breach of privacy.

Under continuing law, “blackmail” is defined to include intentionally gaining or attempting to gain anything of value or compelling or attempting to compel another to act against such person’s will by making certain threats.

The bill would exclude sexual contact, sexual intercourse, or sexual conduct from the definition of blackmail.

Threat to Disseminate Recordings Obtained in Breach of Privacy

Under current law, one set of blackmail elements relate to making a threat to disseminate certain records obtained through breach of privacy by knowingly using certain technology to make a recording of another person who is nude or in a state of undress with intent to invade their privacy. Violation of these elements is classified as a severity level 4 person felony.

The bill would broaden the applicable recordings to include any image, video, or other recordings and by removing references to a videotape, photograph, or film.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Additionally, the bill would include recordings that are of an identifiable person who is nude or engaged in sexual activity, including but not limited to, recordings that are created in whole or in part, altered, or modified by artificial intelligence, or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether the identifiable person was involved in the creation of the recording.

Offenses committed in violation of the elements of blackmail added by the bill would be classified as a severity level 4 person felony.

Image, Video, or Other Recording

The bill would define “image, video, or other recording” to mean any photograph, film, video picture, digital, or other computer-generated image or picture, whether made or produced by electronic, mechanical, or other means.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Kansas County and District Attorneys Association (KCDAA).

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by a representative of the KCDAA; a representative of the Sedgwick County District Attorney; the Smith County Attorney; and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The proponents stated the current blackmail statute would not apply to persons who would commit the offense against someone under age 18 because of the definition of “identifiable person” found in the referenced breach of privacy

statute and that the bill is meant to address this gap in application.

Written-only proponent testimony was provided by the Leavenworth County Attorney on behalf of the KCDAA and a representative of the Kansas Coalition Against Sexual and Domestic Violence.

No other testimony was provided.

The House Committee amended the bill to update the cross-references to the crime of breach of privacy, which would extend application of the crime to include victims under age 18, and expand the types of applicable breach of privacy recordings.

House Committee of the Whole

The House Committee of the Whole amended the bill by making technical amendments and by defining the term “image, video, or other recording.”

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Sentencing Commission (Commission) estimates enactment of the bill would result in an increase of 1, 2, or 3 adult prison beds needed by the end of FY 2027, with 4, 8, or 12 additional beds needed by the end of FY 2036, depending on the scenario. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission’s most recent 10-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections estimates that based on the first scenario, enactment of the bill would increase State General Fund expenditures by \$5,783 in FY 2027 and \$8,229 in FY 2028. The Department indicates the estimated cost is based on the marginal cost to house additional inmates, which represents the cost to add one inmate to the system and includes variable such as postage, incentive pay, and food service.

The Judicial Branch states enactment of the bill could increase the number of cases filed in district courts because it would broaden the definition of blackmail, that could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees, which would be deposited in the State General Fund. However, the Judicial Branch states a precise fiscal effect cannot be determined until it has had an opportunity to operate under the bill's provisions. The Board of Indigents' Defense Services indicates enactment of the bill would have no fiscal effect on its operations. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill could increase costs for cities as municipalities and law enforcement officers would need to develop and implement new procedures related to blackmail, requiring additional time and training. The Kansas Association of Counties indicates the bill could increase county government expenditures on investigation, enforcement, and court time. However, neither organization was able to provide a specific estimate of the fiscal effect on local governments.

Crimes; blackmail