

February 4, 2011

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Kansas Senate
State Capitol
300 SW 10th Street
Topeka, KS 66612

Members of the Senate,

First, let me say thank you for the work you do on a daily basis to represent your district constituents and the rest of the State of Kansas. I understand you stay very busy, so I will make this brief.

I am a Tonganoxie resident and a Bonner Springs police officer. I have been in Kansas law enforcement for more than seven years. Serving the citizens of this State by upholding the laws and protecting their rights granted under the Constitution is a responsibility that I enjoy and take very seriously. I have the great privilege of saying that my life's work is my passion. To that end, I seek out every opportunity to advance my knowledge and experience in the field. My areas of specialization are training, grant proposal development, and policy development/revision. I am a certified Police Training Officer, with instructor certifications in several areas, and considerable experience writing grant proposals and developing policies. In addition to these experiential qualifications, I am pursuing a Master's Degree in Public Administration at the University of Kansas. My goal is to be a leader in my profession, as a positive influential force that contributes to making law enforcement in Kansas the best it can be.

I'm writing you today because one of our Kansas criminal statutes needs revision. The current language of KSA 21-4113, regarding telephone harassment, only identifies two methods of telecommunication: telephone calls and facsimiles. The statute fails to mention cellular telephones or text messages, arguably the two most predominant modern methods of communication. It also fails to acknowledge telecommunications can be made through wireless

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networks and other services aside from just telephone lines. Broadening the language of the statute to include today's telecommunication devices and methods, and specifically addressing harassing text messages to reflect modern times would be beneficial.

On the job, I am taking more and more reports of harassing text messages, particularly with the younger generation who relies heavily on texting as a primary mode of communication. With the popularity of texting still on the rise, I only see this problem continuing.

I have taken reports where the victim was receiving text messages threatening to kill them or "beat their face in," messages certainly sent with the intent to abuse, threaten, or harass the person on the receiving end. I have also taken reports when the messages were more along the lines of sexual harassment, when someone was making unwanted sexual advances towards the victim. Another example would be the ex-girlfriend or boyfriend who was told to stop calling the victim, so instead they resorted to repetitive text messages, in an effort to get the victim to respond simply by the sheer volume of messages sent. If done by text messaging or any other wireless telecommunication method, rather than by conventional voice telephone conversations or fax, these activities are not prohibited by the phone harassment statute (KSA 21-4113).

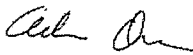
Currently, my jurisdiction charges harassing text messages under the 21-4113 statute, because nothing else fits. However, appeals by intelligent defense attorneys will render these cases dismissed. The language of the current telephone harassment statute only addresses actual phone calls and fax messages made by telephone lines. I am attempting to be forward-thinking on this, since the language of the statute does not reflect modern telecommunications trends; and I believe it's only a matter of time before defense attorneys get smart and start challenging this, much as they have with other loopholes in the law.

Senate Bill 55 has been proposed as a solution to this issue. You will notice the language of the proposed bill has broadened the language from the terms "telephone" and "telephone communication" to "telecommunications." The term "text" has been added to specifically address harassing or threatening text messages. Several other revisions bring the language of

the statute up-to-date including the definition of a "telecommunications device" on page 2, lines 8-10.

I urge you to support this bill as a beneficial step towards modernization that will be of great assistance to prosecutors and the rest of the Kansas law enforcement community as we do our job. This bill is essential to ensuring the successful charging and conviction of those who violate the law. Thank you for your time and consideration.

Respectfully,



Adam Doran
Tonganoxie, KS