

HOUSE BILL No. 2151

By Committee on Corrections and Juvenile Justice

2-4

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to breach of privacy and blackmail; amending sections 64 and 171 of
3 chapter 136 of the 2010 Session Laws of Kansas and repealing the
4 existing sections.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. Section 171 of Chapter 136 of the 2010 Session Laws of
8 Kansas is hereby amended to read as follows: Sec. 171. (a) **Breach of**
9 **privacy is knowingly and without lawful authority:**

10 (1) Intercepting, without the consent of the sender or receiver, a
11 message by telephone, telegraph, letter or other means of private
12 communication;

13 (2) divulging, without the consent of the sender or receiver, the
14 existence or contents of such message if such person knows that the
15 message was illegally intercepted, or if such person illegally learned of
16 the message in the course of employment with an agency in transmitting
17 it;

18 (3) entering into a private place with intent to listen surreptitiously
19 to private conversations or to observe the personal conduct of any other
20 person or persons therein;

21 (4) installing or using outside *or inside* a private place any device for
22 hearing, recording, amplifying or broadcasting sounds originating in such
23 place, which sounds would not ordinarily be audible or comprehensible
24 outside, without the consent of the person or persons entitled to privacy
25 therein;

26 (5) installing or using any device or equipment for the interception
27 of any telephone, telegraph or other wire *or wireless* communication
28 without the consent of the person in possession or control of the facilities
29 for such ~~wire~~ communication; ~~or~~

30 (6) installing or using a concealed camcorder, motion picture camera
31 or photographic camera of any type, to secretly videotape, film,
32 photograph or record by electronic *or other* means, another, identifiable
33 person under or through the clothing being worn by that other person or
34 another, identifiable person who is nude or in a state of undress, for the
35 purpose of viewing the body of, or the undergarments worn by, that other
36 person, without the consent or knowledge of that other person, with the

1 intent to invade the privacy of that other person, under circumstances in
2 which the other person has a reasonable expectation of privacy; or

3 (7) disseminating or permitting the dissemination of any videotape,
4 photograph, film or image obtained in violation of subsection (a)(6).

5 (b) Breach of privacy is ~~a class A nonperson misdemeanor~~ as
6 defined in:

7 (1) Subsection (a)(1) through (a)(5) is a class A nonperson
8 misdemeanor;

9 (2) subsection (a)(6) is a severity level 8, person felony; and

10 (3) subsection (a)(7) is a severity level 5, person felony.

11 (c) Subsection (a)(1) shall not apply to messages overheard through
12 a regularly installed instrument on a telephone party line or on an
13 extension.

14 (d) The provisions of this section shall not apply to an operator of a
15 switchboard, or any officer, employee or agent of any public utility
16 providing telephone communications service, whose facilities are used in
17 the transmission of a communication, to intercept, disclose or use that
18 communication in the normal course of employment while engaged in
19 any activity which is incident to the rendition of public utility service or
20 to the protection of the rights of property of such public utility.

21 (e) As used in this section, "private place" means a place where one
22 may reasonably expect to be safe from uninvited intrusion or
23 surveillance, but does not include a place to which the public has lawful
24 access.

25 Sec. 2. Section 64 of chapter 136 of the 2010 Session Laws of
26 Kansas is hereby amended to read as follows: Sec. 64. (a)
27 Blackmail is gaining or attempting to gain anything of value
28 or compelling or attempting to compel another to act against
29 such person's will, by threatening to:

30 (1) Communicate accusations or statements; about any
31 person that would subject such person or any other person to
32 public ridicule, contempt or degradation; or

33 (2) disseminate any videotape, photograph, film, or image obtained
34 in violation of subsection (a)(6) of section 171 of chapter 136 of the 2010
35 Session Laws of Kansas, and amendments thereto.

36 ~~(b) Blackmail is a severity level 7, nonperson felony.~~

37 (b) Blackmail as defined in:

38 (1) Subsection (a)(1) is a severity level 7, nonperson felony; and

39 (2) subsection (a)(2) is a severity level 4, person felony.

40 Sec. 3. Sections 64 and 171 of chapter 136 of the 2010 Session Laws
41 of Kansas are hereby repealed.

42 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.
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