

**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 the  
16 message in the course of employment with an agency in transmitting it;

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

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

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

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

1 which the other person has a reasonable expectation of privacy; or

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

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

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

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

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

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

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

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

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

27 (1) Communicate accusations or statements; about any  
28 person that would subject such person or any other person to  
29 public ridicule, contempt or degradation; or

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

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

34 (b) Blackmail as defined in:

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

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

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

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.

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