

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 55

By Committee on Judiciary

1-25

1 AN ACT concerning crimes and punishment; relating to harassment by
2 telecommunication device; amending section 184 of chapter 136 of
3 the 2010 Session Laws of Kansas and repealing the existing section.
4

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

6 Section 1. Section 184 of chapter 136 of the 2010 Session Laws of
7 Kansas is hereby amended to read as follows: Sec. 184. (a) Harassment
8 by telecommunication device is the use of:

9 (1) ~~Telephone communication~~ *A telecommunications device to:*

10 (A) Knowingly make or transmit any comment, request,
11 suggestion or, proposal, *image or text* which is obscene, lewd,
12 lascivious, ~~filthy~~ or indecent;

13 ~~(B) make a telephone call, whether or not conversation ensues, or~~
14 ~~transmit a telefacsimile communication with intent to abuse, threaten or~~
15 ~~harass any person at the called number;~~

16 **(B) make or transmit a call, whether or not conversation ensues,**
17 **with intent to abuse, threaten or harass any person at the receiving**
18 **end;**

19 ~~(B)~~ **(C) make or transmit any comment, request, suggestion,**
20 **proposal, image or text with intent to abuse, threaten or harass any**
21 **person at the receiving end;**

22 ~~(C)~~ **(D) make or cause the telephone of another ring a**
23 **telecommunications device to repeatedly ring or activate with intent to**
24 **harass any person at the called number receiving end;**

25 ~~(D) make repeated telephone calls, during which conversation~~
26 ~~ensues, or repeatedly transmit a telefacsimile communication with~~
27 ~~intent to harass any person at the called number;~~

28 ~~(E)~~ ~~(D)~~ **(E) knowingly play any recording on a telephone, except**
29 **recordings such as weather information or sports information when the**
30 **number thereof is dialed, unless the person or group playing the**
31 **recording shall be identified and state that it is a recording; or**

32 ~~(F)~~ ~~(E)~~ **(F) knowingly permit any telephone or telefacsimile-**
33 **communication machine telecommunications device under one's**

1 control to be used in violation of this paragraph.

2 (2) Telefacsimile communication to send or transmit such
3 communication to a court in the state of Kansas for a use other than
4 court business, with no requirement of culpable mental state.

5 (b) Harassment by telecommunication device is a class A
6 nonperson misdemeanor.

7 (c) Every telephone directory published for distribution to
8 members of the general public shall contain a notice setting forth a
9 summary of the provisions of this section. Such notice shall be printed
10 in type which is no smaller than any other type on the same page and
11 shall be preceded by the word "WARNING."

12 (d) As used in this section, ~~"telefacsimile communication" means~~
13 ~~the use of electronic equipment to send or transmit a copy of a~~
14 ~~document via telephone line~~ "telecommunications device" includes
15 telephones, cellular telephones, telefacsimile machines and any other
16 electronic device which makes use of ~~telephone lines or services~~ **an**
17 **electronic communication service, as defined in K.S.A. 22-2514, and**
18 **amendments thereto.**

19 (e) **An offender who violates the provisions of this section may**
20 **also be prosecuted for, convicted of, and punished for any other**
21 **offense in sections 72, 73, 74 or 212 of chapter 136 of the 2010**
22 **Session Laws of Kansas.**

23 Sec. 2. Section 184 of chapter 136 of the 2010 Session Laws of
24 Kansas is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.