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Testimony of Senator Julia Lynn  
before the House Committee on Judiciary  
on SB 420, Requiring Registration as a Sex Offender for Certain Violations of Privacy  
March 11, 2020

Mr. Chairman and Members of the Committee:

This past fall, I was informed about an issue affecting women and young girls in Johnson County. I was astonished and dismayed to learn of an incident that was shared by a woman doing her everyday shopping in a neighborhood grocery store. In the dairy section as she was selecting her purchase, she sensed someone behind her. Glancing down, she saw a man crouching behind and under her with his cell phone faced upward with the red light on taking video. Shocked and dazed, she quickly “came to;” saw the man about 10 feet from her; confronted him; and demanded to see his phone. His response was, “That would be invasion of my privacy!” With her phone in hand, she took his picture. He ran from the store, but soon after police located and arrested him. He was later found guilty and sentenced to 30 days in jail and made to register as a sex offender.

Enter Emily, a 17-year-old young woman who was shopping at Oak Park Mall in October 2017, trying on Halloween costumes. As she was in various stages of undress, she noticed a cell phone on a pair of jeans on the floor angled in such a way as to record her. She quickly snapped a picture of the suspicious phone and re-dressed. Fast forward to April 2018, when a Johnson County Detective found the perpetrator from Joplin, Missouri, who had traveled from 139 miles away to commit these privacy invasive crimes. Law enforcement was able to download over 150 images of women undressing while shopping, completely unaware they were being videoed or photographed. The metadata indicated he was traveling to other metro areas as well to commit the same crimes.

Then there was Annabelle, age 15, who was trying on swimsuits with a friend. She heard a man’s voice, but didn’t think much about it, until as she was putting on her top she noticed a camera above the dressing room wall. She yelled out and opened her door to get a good look at him. She then screamed to her friend to get the attendant, who was of no help. To this day, she still gets “triggered” by her recollection of the experience. Finally, there is “Beth,” who was also shopping with a friend trying on swimsuits in separate stalls. Her friend observed a phone being moved under Beth’s partition several times, prompting her to come to her stall and capture the event on video. The case is currently being litigated.

Based on these incidents, the Johnson County District Attorney and Section Chief of the Special Victims Unit testified on the Senate side in favor the bill under consideration today, citing the increase in these kinds of crimes in all facets of life – not only in dressing rooms but also in the workplace, retail establishments, gas stations, and public bathrooms. The behavior

is “predatory” in nature, with individuals who engage in this type of activity doing so not only for their own sexual gratification but to obtain and keep “trophies.” These images and videos can be traded or posted online and sold for profit, causing permanent harm to the victims.

SB 420, as amended, would change the definition of “sex offender” in the Offender Registration Act to include a person who is convicted of a breach of privacy by installing or using a concealed photo or video device to secretly videotape, film, photograph, or in any way record another person who is nude or in a partial state of undress without the knowledge or consent of that individual where there is a reasonable expectation of privacy. The legislation would close the legal gap that requires prosecutors to make a special finding under K.S.A. 22-4902(c)(18) as to whether the act has been determined beyond a reasonable doubt to have been sexually motivated. Understandably, victims have to question how the act of secretly filming them in a state of undress could be anything *other* than sexual in nature.

Mr. Chairman and Committee Members: SB 420 is a reasonable solution to this current deficiency in our offender registry statutes. I would happy to respond to any questions you might have about the origins and purpose of this important measure.