

Hello,

I am writing you in support for passing SB385 with the requirement to register as a sex offender for certain violations of the crime of breach of privacy.

The picture attached is that of Jonathan Falen, who pled guilty and was sentenced on September 1, 2021 to breach of privacy. While I am not the victim, I captured the evidence that led to the arrest and conviction of Mr Falen.

On April 14, 2019, my friend and I were at Nordstrom Rack trying on bathing suits. Mr Falen entered the unisex dressing room adjacent to my friend and began to film her in the state of undress. At one point, my friend said she noticed his phone cross under the partition and was so close to her that it nearly hit her in the leg. She came into my dressing room in a panic, and said "If I tell an employee, how will anyone believe us?" That is when I had the idea to trade places with her and attempt to capture him in the act. I entered the stall and turned on my cell phone camera on video. I sat my phone down on the changing bench and I noticed his hand at the edge of his stall, under my seat. I then crouched down, filmed his hand holding his cell phone, pointed at me. I said, "I see you," and he pulled his hand back.

In early 2020, I fought for this bill, then named SB420, to be passed. If it would have passed, it would have been set into law in time for our trial in the summer of 2020, and Mr Falen would have been required to register as a sex offender. COVID lockdowns pushed back both our trial and this bill – and unfortunately, this law didn't make it in time.

Mr Falen denied his allegations for over two years so that he would not have to register as a sex offender. Three days before our trial the case was settled outside of court, and unfortunately that settlement came with not requiring to register as a sex offender.

While this law is personal to me, I am urging congress to pass this bill so that no other woman has to endure the struggle and emotional pain of proving that this type of action is sexual in nature. There is no other reason to film a person nude with any other motive except it being sexually driven. This is a sexually motivated crime that should be punished with a high degree of severity – and without a prosecutor having to prove it. This law will change this loophole.

It is proven that most offenders are not single time offenders. It is the hope of every person coming before congress to pass this legislation that it will deter yet another offender from secretly filming someone in the state of undress, knowing the punishment of a sex offender registration is a part of the conviction.

Thank you for your time and consideration.

Sincerely,

Beth Hierigs



*April 14, 2019, Nordstrom Rack department store in Lenexa, KS: A still image from the video I captured of Mr Jonathan Falen filming me in the unisex dressing room, after I changed places with my friend once she realized Mr. Falen was filming her while trying on swimsuits*