

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 385

As Amended by Senate Committee on Judiciary

Brief*

SB 385, as amended, would amend the definition of “sex offender” in the Kansas Offender Registration Act (KORA) to include any person who is convicted of breach of privacy by the following means:

- Installing or using a concealed camcorder, motion picture camera, or photographic camera of any type to secretly videotape, film, photograph, or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;
- Disseminating or permitting the dissemination of any videotape, photograph, film, or image obtained in violation of the above provision; or
- Disseminating any videotape, photograph, film, or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten, or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

intimidate such identifiable person, and such identifiable person did not consent to such dissemination.

The bill would specify the definition of “offender” in KORA (to require registration) would not include a person adjudicated as a juvenile offender for the above acts.

The bill would add convictions of breach of privacy under the above provisions to those crimes for which an offender must register under KORA for 15 years.

Background

The bill was introduced by Senators Warren, Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O’Shea, Peck, Petersen, Pettey, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, and Wilborn.

[*Note:* The bill’s provisions are similar to those of 2020 SB 420, as amended by the Senate Committee on Judiciary.]

Senate Committee on Judiciary

In the Senate Committee hearing on February 8, 2022, three private citizens provided **proponent** testimony. No other testimony was provided.

On February 11, 2022, the Senate Committee amended the bill to exempt juvenile offenders from the breach of privacy registration requirements.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. The Kansas Bureau of Investigation, Department of Corrections, and the Office of Attorney General indicate the enactment of the bill would not have a fiscal effect on the operations of each agency.

The Kansas Sentencing Commission estimates that enactment of the bill would result in an increase of two adult prison beds needed by the end of FY 2023 and six by the end of FY 2032. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; Kansas Offender Registration Act; judiciary; breach of privacy