

TO: Chairperson Warren and the Senate Committee on Judiciary

SUBJECT: Proponent Testimony on Senate Bill No. 420

FROM: Lieutenant Aaron M. Moses, Wichita Police Department

DATE: February 16, 2024

I appreciate the opportunity to testify on behalf of the Wichita Police Department regarding Senate Bill 420. The department strongly supports the proposed changes outlined in the bill.

The current statute, KSA 21-6101, has proven effective in prosecuting cases involving concealed cameras. However, our investigators have encountered instances where the requirement for the camera to be concealed hindered the progress of investigations.

In May 2023, our officers responded to an incident at a restaurant involving the inappropriate use of a cell phone by a male employee to photograph two co-workers, under their skirts without their consent. The victims were two unsuspecting 20-year-old female employees. One victim did not even know the photographs were taken until they were told by management. The other victim was made aware by hearing a rumor from other co-workers.

Despite gathering evidence, including surveillance video capturing the acts, the case could not be prosecuted under KSA 21-6101 as the phone used was not concealed. This specific case underscores the limitations of the existing law, leaving victims and law enforcement without options to hold suspects accountable for their actions.

Our Sex Crimes Investigators have identified several similar cases where victims are unable to hold suspects accountable due to the current language of Kansas law. To address these concerns, the Wichita Police Department strongly endorses amending KSA 21-6101 to include the act of photographing or videotaping a person in a state of undress without their permission, whether the camera was concealed or not.

Thank you for considering the importance of this amendment and for allowing me to testify before this committee on behalf of the Wichita Police Department.