

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 ~~device~~ *device* to:

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

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

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;~~

(C)

16 (B) ~~make or transmit any comment, request, suggestion, proposal,~~
17 ~~image or text with intent to abuse, threaten or harass any person at the~~
18 ~~receiving end;~~

(D)

19 (C) ~~make or cause the telephone of another ring a~~
20 ~~telecommunications device to repeatedly ring or activate with intent to~~
21 ~~harass any person at the called number receiving end;~~

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

(E)

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

(F)

29 (F) ~~knowingly permit any telephone or telefacsimile~~
30 ~~communication machine telecommunications device under one's control~~
31 ~~to be used in violation of this paragraph.~~

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

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

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

(d) As used in this section, "telefacsimile communication" means the use of electronic equipment to send or transmit a copy of a document via telephone line "telecommunications device" includes telephones, cellular telephones, telefacsimile machines and any other electronic device which makes use of telephones, telefacsimile machines, Sec. 2. Section 184 of chapter 136 of the 2010 Session Laws of Kansas is hereby repealed. Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

(B)

an electronic communication service, as defined in K.S.A. 22-2514, and amendments thereto. (e) An offender who violates the provisions of this section may also be prosecuted for converted of and punished for any other offense in sections 72, 73, 74 or 212 of chapter 136 of the 2010 Session Laws of Kansas.

(C)