

## HOUSE BILL No. 2062

By Committee on Appropriations

1-20

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1 AN ACT concerning crimes and punishment; relating to blackmail; breach  
2 of privacy; amending K.S.A. 2014 Supp. 21-5428 and 21-6101 and  
3 repealing the existing sections.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 21-5428 is hereby amended to read as  
7 follows: 21-5428.(a) Blackmail is intentionally gaining or attempting to  
8 gain anything of value or compelling or attempting to compel another to  
9 act against such person's will, by threatening to:

10 (1) Communicate accusations or statements about any person that  
11 would subject such person or any other person to public ridicule, contempt  
12 or degradation; or

13 (2) disseminate any videotape, photograph, film, or image obtained in  
14 violation of ~~subsection (a)(6)~~ of K.S.A. 2014 Supp. 21-6101(a)(6) or (a)  
15 (8), and amendments thereto.

16 (b) Blackmail as defined in:

17 (1) Subsection (a)(1) is a severity level 7, nonperson felony; and

18 (2) subsection (a)(2) is a severity level 4, person felony.

19 Sec. 2. K.S.A. 2014 Supp. 21-6101 is hereby amended to read as  
20 follows: 21-6101. (a) Breach of privacy is knowingly and without lawful  
21 authority:

22 (1) Intercepting, without the consent of the sender or receiver, a  
23 message by telephone, telegraph, letter or other means of private  
24 communication;

25 (2) divulging, without the consent of the sender or receiver, the  
26 existence or contents of such message if such person knows that the  
27 message was illegally intercepted, or if such person illegally learned of the  
28 message in the course of employment with an agency in transmitting it;

29 (3) entering with intent to listen surreptitiously to private  
30 conversations in a private place or to observe the personal conduct of any  
31 other person or persons entitled to privacy therein;

32 (4) installing or using outside or inside a private place any device for  
33 hearing, recording, amplifying or broadcasting sounds originating in such  
34 place, which sounds would not ordinarily be audible or comprehensible  
35 without the use of such device, without the consent of the person or  
36 persons entitled to privacy therein;

1 (5) installing or using any device or equipment for the interception of  
2 any telephone, telegraph or other wire or wireless communication without  
3 the consent of the person in possession or control of the facilities for such  
4 communication;

5 (6) installing or using a concealed camcorder, motion picture camera  
6 or photographic camera of any type; to secretly videotape, film,  
7 photograph or record, by electronic or other means, another; identifiable  
8 person under or through the clothing being worn by that other person or  
9 another; identifiable person who is nude or in a state of undress, for the  
10 purpose of viewing the body of, or the undergarments worn by, that other  
11 person, without the consent or knowledge of that other person, with the  
12 intent to invade the privacy of that other person, under circumstances in  
13 which ~~the~~ *that* other person has a reasonable expectation of privacy; ~~or~~

14 (7) disseminating or permitting the dissemination of any videotape,  
15 photograph, film or image obtained in violation of subsection (a)(6); *or*

16 (8) *disseminating or permitting the dissemination of any videotape,*  
17 *film, photograph or image of another identifiable person who is nude or in*  
18 *a state of undress, with the intent to invade the privacy of that other*  
19 *person, without the consent of that other person to such dissemination.*

20 (b) Breach of privacy as defined in:

21 (1) Subsection (a)(1) through (a)(5) is a class A nonperson  
22 misdemeanor;

23 (2) subsection (a)(6) is a severity level 8, person felony; and

24 (3) subsection (a)(7) *or* (a)(8) is a severity level 5, person felony.

25 (c) Subsection (a)(1) shall not apply to messages overheard through a  
26 regularly installed instrument on a telephone party line or on an extension.

27 (d) The provisions of this section shall not apply to an operator of a  
28 switchboard, or any officer, employee or agent of any public utility  
29 providing telephone communications service, whose facilities are used in  
30 the transmission of a communication, to intercept, disclose or use that  
31 communication in the normal course of employment while engaged in any  
32 activity which is incident to the rendition of public utility service or to the  
33 protection of the rights of property of such public utility.

34 (e) As used in this section, "private place" means a place where one  
35 may reasonably expect to be safe from uninvited intrusion or surveillance.

36 Sec. 3. K.S.A. 2014 Supp. 21-5428 and 21-6101 are hereby repealed.

37 Sec. 4. This act shall take effect and be in force from and after its  
38 publication in the statute book.