

Written Testimony
Before the Kansas House
Committee on Corrections and Juvenile Justice
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By
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Good afternoon Chairman Jennings and members of the committee. My name is Sean Ostrow, and I am an attorney at the law firm of Orrick, Herrington & Sutcliffe LLP. I am testifying in support of HB 2208, which would update Kansas's laws to combat the growing threat of sexual extortion occurring on the internet.

Three years ago, Orrick partnered with Thomson Reuters Foundation and Legal Momentum to study the growing issue of sexual extortion. We released a [report](#) in mid-2016, titled "A Call to Action: Sexual Extortion in the Digital Age," that identified a gap in federal and state law that prevents full prosecution of sexual extortion crimes. Since the report's release, we have worked with state attorneys general and policymakers across the country to update state laws to address sexual extortion.

Sexual extortion is not a new problem – but one that has proliferated in the digital age. Sexual extortion is a form of extortion, but instead of demanding money or property, the perpetrator demands sexual images or in-person sexual acts. In just two decades, the Internet and social media have radically changed the way we communicate with friends, family and the larger world. With just a few keystrokes, we can now share a sad story, a cute family picture, or a dog video with complete strangers across the globe. And, in turn, social media gives complete strangers greater access to us – and to our families – than ever before. Sadly, this innovation has also changed the way many sexual predators stalk and torment their victims.

Today abusers shielded behind computer screens can target countless victims, predominantly girls and young women, without ever leaving their homes. Through deceit, manipulation, or computer hacking, they obtain compromising images of their victims, which they use to extort sex or production of pornographic images, live sexually explicit skype sessions or videos. Often, this starts in online chat rooms and even online video games.

This extortion often goes on for months, leaving victims traumatized and, in many cases, suicidal. According to a study by the U.S. Department of Justice, in roughly one-third of the cases of sexual extortion they examined, a victim committed or attempted suicide. The Department has recognized that sexual extortion is a growing form of online sexual exploitation, and cited the findings of the 2016 National Strategy survey that found that "sextortion is by far the most significantly growing threat to children." Many perpetrators believed they were safe, shielded from prosecution by laws that had not kept pace with the innovation of social media. And, in my respects, they were.

As in most states, sexual extortion does not fit squarely within Kansas's existing sexual conduct and blackmail offenses. Over the past two years, ten states – Texas, Utah, Arkansas, Alabama, Arizona, West Virginia, Maryland, New York, Rhode Island, and California – took action to update their statutes to recognize sexual extortion, and another five states are consideration legislation this year, including Kansas, Georgia, Nebraska, New Jersey and North Dakota.

As HB 2208 demonstrates, closing the sexual extortion loophole does not require radical legislative changes. This bill creates a simple new statute to recognize that it is a crime not just to extort money or property, but also sexual conduct and sexual images. This simple legislative fix ensures that victims can come forward and that law enforcement has the tools to respond.

I urge you to support this important legislation.