

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2001

As Amended by Senate Committee on Judiciary

Brief*

HB 2001, as amended, would create the crime of sexual extortion, which would be defined as communicating by any means a threat to injure the property or reputation of a person, commit violence against a person, or distribute an image, video, or other recording of a person that is of a sexual nature or depicts such person in a state of nudity:

- With the intent to coerce such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or produce, provide, or distribute an image, video, or other recording of a person in a state of nudity, or depicting such person engaging in conduct that is of a sexual nature. Such conduct would be a severity level 7 person felony; or
- That causes such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or produce, provide, or distribute an image, video, or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature. Such conduct would be a severity level 4 person felony.

The bill would also amend the Kansas Offender Registration Act to add a person convicted of sexual extortion to the definition of “sex offender” and to add sexual extortion to the list of offenses for which conviction requires offender registration for 15 years when one of the parties involved is less than 18 years of age. The bill would provide registration

*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>

is not required for a person adjudicated as a juvenile offender for an act that if committed by an adult would constitute the commission of sexual extortion.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by Representative Owens.

House Committee on Judiciary

In the House Committee hearing on January 20, 2021, representatives of the Johnson County Sheriff's Office, Kansas Coalition Against Sexual and Domestic Violence, and Legal Momentum – The Women's Legal Defense and Education Fund provided **proponent** testimony, stating the bill, as introduced, would address conduct that does not fit squarely within Kansas' current sexual conduct and blackmail offenses. Written-only proponent testimony was submitted by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

No neutral or **opponent** testimony was provided.

On February 4, 2021, the House Committee amended the bill to include "other recordings" within the definition of sexual extortion and to exempt adjudicated juvenile offenders from the registration requirement for the crime.

Senate Committee on Judiciary

In the Senate Committee hearing on March 15, 2021, representatives of the Kansas Coalition Against Sexual and Domestic Violence and Legal Momentum – The Women's

Legal Defense and Education Fund provided **proponent** testimony. No other testimony was provided.

On March 15, 2021, the Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court, requiring more time spent by court employees and judges on such cases. Because a possible penalty for the crime is probation, court services officers may be required to perform additional supervision. The bill could also result in the collection of docket fees, probation fees, and fines assessed. However, according to the Office of Judicial Administration, a fiscal effect cannot be determined, because the number of additional cases is unknown.

The Kansas Sentencing Commission estimates enactment of the bill could result in an increased occupancy of prison beds and admissions, but a fiscal effect cannot be estimated because no data currently exists for the crime of sexual extortion. The current estimated available bed capacity is 9,420 for males and 948 for females. The Commission's most recent ten-year projection estimates the year-end population for available male prison capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022. The Kansas Department of Corrections indicates enactment of the bill would increase adult and juvenile facility bed utilization, but estimates there would be no fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Crimes; sexual extortion; offender registration