AN ACT concerning crimes, criminal procedure and punishment; relating
to breach of privacy and blackmail; amending sections 64 and 171 of
chapter 136 of the 2010 Session Laws of Kansas and repealing the
existing sections.

Be it enacted by the Legislature of the State of Kansas:
Section 1. Section 171 of Chapter 136 of the 2010 Session Laws of
Kansas is hereby amended to read as follows: Sec. 171. (a) Breach of
privacy is knowingly and without lawful authority:
(1) Intercepting, without the consent of the sender or receiver, a
message by telephone, telegraph, letter or other means of private
communication;
(2) divulging, without the consent of the sender or receiver, the
existence or contents of such message if such person knows that the
message was illegally intercepted, or if such person illegally learned of
the message in the course of employment with an agency in transmitting
it;
(3) entering into a private place with intent to listen surreptitiously
to private conversations or to observe the personal conduct of any other
person or persons therein;
(4) installing or using outside or inside a private place any device for
hearing, recording, amplifying or broadcasting sounds originating in such
place, which sounds would not ordinarily be audible or comprehensible
outside, without the consent of the person or persons entitled to privacy
therein;
(5) installing or using any device or equipment for the interception
of any telephone, telegraph or other wire or wireless communication
without the consent of the person in possession or control of the facilities
for such wire communication; or
(6) installing or using a concealed camcorder, motion picture camera
or photographic camera of any type, to secretly videotape, film,
photograph or record by electronic or other means, another, identifiable
person under or through the clothing being worn by that other person or
another, identifiable person who is nude or in a state of undress, for the
purpose of viewing the body of, or the undergarments worn by, that other
person, without the consent or knowledge of that other person, with the
intent to invade the privacy of that other person, under circumstances
in which the other person has a reasonable expectation of privacy; or
(7) disseminating or permitting the dissemination of any videotape,
photograph, film or image obtained in violation of subsection (a)(6).
(b) Breach of privacy is a class A nonperson misdemeanor as
defined in:
(1) Subsection (a)(1) through (a)(5) is a class A nonperson
misdemeanor;
(2) subsection (a)(6) is a severity level 8, person felony; and
(3) subsection (a)(7) is a severity level 5, person felony.
(c) Subsection (a)(1) shall not apply to messages overheard through
a regularly installed instrument on a telephone party line or on an
extension.
(d) The provisions of this section shall not apply to an operator of a
switchboard, or any officer, employee or agent of any public utility
providing telephone communications service, whose facilities are used in
the transmission of a communication, to intercept, disclose or use that
communication in the normal course of employment while engaged in
any activity which is incident to the rendition of public utility service or
to the protection of the rights of property of such public utility.
(e) As used in this section, "private place" means a place where one
may reasonably expect to be safe from uninvited intrusion or
surveillance, but does not include a place to which the public has lawful
access.

Sec. 2. Section 64 of chapter 136 of the 2010 Session Laws of
Kansas is hereby amended to read as follows: Sec. 64. (a)
Blackmail is gaining or attempting to gain anything of value
or compelling or attempting to compel another to act against
such person's will, by threatening to:
(1) Communicate accusations or statements, about any
person that would subject such person or any other person to
public ridicule, contempt or degradation; or
(2) disseminate any videotape, photograph, film, or image obtained
in violation of subsection (a)(6) of section 171 of chapter 136 of the 2010
Session Laws of Kansas, and amendments thereto.
(b) Blackmail is a severity level 7, nonperson felony.
(b) Blackmail as defined in:
(1) Subsection (a)(1) is a severity level 7, nonperson felony; and
(2) subsection (a)(2) is a severity level 4, person felony.

Sec. 3. Sections 64 and 171 of chapter 136 of the 2010 Session Laws
of Kansas are hereby repealed.

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