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

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

Section 1. K.S.A. 2014 Supp. 21-5428 is hereby amended to read as
follows: 21-5428.(a) Blackmail is intentionally 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 K.S.A. 2014 Supp. 21-6101(a)(6), and
amendments thereto; or

(3) disseminate any videotape, photograph, film or image obtained in
violation of K.S.A. 2014 Supp. 21-6101(a)(8), and amendments thereto.

(b) Blackmail as defined in:

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

(2) subsection (a)(2) or (a)(3) is a severity level 4, person felony.

Sec. 2. K.S.A. 2014 Supp. 21-6101 is hereby amended to read as
follows: 21-6101. (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 with intent to listen surreptitiously to private
conversations in a private place or to observe the personal conduct of any
other person or persons entitled to privacy 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
without the use of such device, 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
communication;
(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
intention to invade the privacy of that other person, under circumstances in
which the that 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);
(8) disseminating or permitting the dissemination of any videotape,
photograph, film or image of another person who is 18 or more years of
age under or through the clothing being worn by that other person or
another person who is 18 or more years of age who is nude or in a state of
undress, when the videotape, photograph, film or image was taken with
consent of that other person, but that other person did not consent to the
dissemination of such videotape, photograph, film or image; or
(9) committing the offense described in subsection (a)(8) and:
(A) Gaining anything of value from committing the offense;
(B) maintaining an internet website, online service, online
application or mobile application that contains such videotape,
photograph, film or image;
(C) acting with the intent to harass, annoy or alarm that other
person; or
(D) pairing personally identifiable information of that other person
with such videotape, photograph, film or image.
(b) Breach of privacy as defined in:
(1) Subsection (a)(1) through (a)(5) is a class A nonperson
misdemeanor;
(2) subsection (a)(6) or (a)(8) is a:
(A) Severity level 8, person felony, except as provided in subsection
(b)(2)(B); and
(B) severity level 5, person felony upon a second or subsequent
conviction within the previous five years; and
(3) subsection (a)(7) or (a)(9) is a severity level 5, person felony.
(c) Subsection (a)(1) shall not apply to messages overheard through a
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.

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

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

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