

OFFICE OF DISTRICT ATTORNEY
STEPHEN M. HOWE, DISTRICT ATTORNEY

February 21, 2020

Senate Judiciary Committee
Attention: Senator Julia Lynn
State Capital
Topeka, Kansas 66612

Re: Senate Bill 420

Dear Senator Lynn,

Thank you for the opportunity to submit written testimony in support of Senate Bill 420.

I am an assistant district attorney in Johnson County, Kansas. I am currently the section chief of the Special Victims Unit for that office. Over the past several years, our office has seen a dramatic increase in incidents involving the crime of breach of privacy.

These specific crimes have occurred in all facets of daily life in our community. We have observed incidents occurring in many locations, including, but not limited to the following: the home, the workplace, retail establishments, dressing rooms, gas stations, and public bathrooms. The targeted victims are as varied as the physical locations that these incidents occur in.

With the availability of increasingly smaller and less expensive cameras, the frequency of these incidents increases every year. When an offender's electronics are analyzed we frequently find that they have engaged in this crime in multiple locations and recorded multiple individuals.

This behavior is predatory in nature. Individuals who partake in this unlawful behavior do so not only for their own sexual gratification but to obtain and keep trophies. These images and videos can be traded or posted online, causing permanent harm to the victim.

After charges have been filed many victims ask whether the offender will be required to register as a sex offender. In Kansas, the answer is not simple. When an individual is convicted under K.S.A. 21-6101(a)(6), the Kansas Offender Registration Act does not require registration.

This legal gap requires prosecutors to seek a special finding under K.S.A. 22-4902(a)(18). This provision of the Kansas Offender Registration Act requires registration as a sex offender if the act has been determined beyond a reasonable doubt to have been sexually motivated. This understandably causes confusion to these crime victims. Our victim's question how the act of secretly filming someone in a state of undress is not sexual in nature.

Senate Bill 420 is a reasonable solution to the issues listed above. This bill will automatically require registration for offenders convicted of breach of privacy, under circumstances when victims are nude or in a state of undress. This will greatly simplify the legal process for both prosecutors and victims involved in these incidents. Requiring registration of this type of offender will protect citizens by providing notification regarding the offenders' presence within our community.

Thank you for your time and I would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,



Jason Covington
Assistant District Attorney