

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 420

As Recommended by Senate Committee on
Judiciary

Brief*

SB 420 would amend the crime of breach of privacy when the crime involves installing or using a device to photograph or record another person under or through their clothing, or a person who is nude or in a state of undress. Current law provides it is a crime to do the above actions using a concealed device, in a secret manner. The bill would remove the elements of concealment and secrecy from the crime.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas County and District Attorneys Association..

Senate Committee on Judiciary

In the Senate Committee hearing, the Wabaunsee County Attorney and representatives of the City of Wichita and the Wichita Police Department provided **proponent** testimony, stating the changes proposed by the bill would ensure the crime may continue to be prosecuted in the event a recording device is not concealed, which is becoming increasingly common due to advances in technology.

Written-only proponent testimony was provided by a representative of the Kansas Association of Chiefs of Police,

*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>

Kansas Peace Officers Association, and Kansas Sheriffs Association and a representative of the Kansas Coalition Against Sexual and Domestic Violence.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission (Commission) estimates that enactment of the bill could have an effect on prison admissions and bed space, but the effect would be minimal. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections Report*, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025.

The Department of Corrections indicates that enactment of the bill would have a minimal effect on the agency, which could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because the bill makes it easier to prove the crime of breach of privacy. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because this crime carries a severity level 8 person felony penalty, enactment of the bill could require more supervision of offenders by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines in cases filed under the provisions of the bill, which would mostly be deposited in the State General Fund. However, a precise fiscal effect cannot be determined because the number of additional cases cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor’s Budget Report*.

Crimes; breach of privacy