

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 55

As Amended by Senate Committee on
Judiciary

Brief*

SB 55 would amend the crime of harassment by telecommunications device to include the use of a telecommunications device to transmit an obscene, lewd, lascivious, or indecent image or text. The bill also would make it illegal to use a telecommunications device to transmit any comment, request, suggestion, proposal, image, or text with intent to abuse, threaten, or harass any person at the receiving end.

Additionally, the bill would define “telecommunications device” to include telephones, cellular telephones, facsimile machines, and any other electronic device which uses an electronic communication service. The bill would remove the word “filthy” from the description of proscribed communication content and clarify that a person charged under this section also may be charged with and convicted of indecent solicitation of a child, electronic solicitation, sexual exploitation of a child, or promoting obscenity. Finally, the bill would make several technical amendments to ensure consistency.

Background

Senator Tom Holland requested the Senate Judiciary Committee introduce SB 55.

*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>

In the Senate Judiciary Committee, Senator Holland and representatives of the Bonner Springs Police Department, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association appeared in support of SB 55. The proponents explained the current language of the statute makes it difficult to charge individuals who send harassing or threatening text messages. The conferees also stated the statutory language needs to be updated to include the full range of telecommunication devices that are now available. No opponents provided testimony.

The Senate Committee amended the bill to remove the word “filthy,” clarify the proposed definition of “telecommunications device,” include a provision regarding other crimes with which an offender may be charged, and restore language prohibiting the making of calls with intent to abuse or harass, whether or not conversation ensues. The Committee recommended the bill be passed as amended.

The fiscal note on the bill, as introduced, states the bill would have no fiscal effect.