

HB2546
Senate Committee on Judiciary
TESTIMONY
March 11, 2020
SUPPORT

Chairman Wilborn and Members of the Committee,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 26 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information; training; and analysis and policy work on issues impacting victims of domestic and sexual violence, their families, and their communities.

KCSDV supports the passage of HB2546. Sexual Extortion is a form of blackmail and corruption in which one person induces another to have sexual contact or perform sexual acts through actual or threatened violence, the wrongful threat of economic injury, or injury to a person's reputation. Sexual Extortion is the abuse of power to obtain a sexual benefit or advantage and it can take many forms. For instance, Sexual Extortion can be achieved through threatening to share sexual images with a person's employer, threatening to send such images to a family member, or threatening to post such images on social media. Also, perpetrators of Sexual Extortion can retrieve these private images by hacking phones and computers and then threatening to share the images unless sex is received. These are just a few examples of how Sexual Extortion can happen to a victim.

Approximately 78% of Sexual Extortion victims are girls. And, victims as young as eight years old have been reported.¹ Yet, the conduct of Sexual Extortion affecting these children may not currently fit within existing sexual offenses codified in statute. For instance, in one case of Sexual Extortion, *United States v. Mijangos*², a perpetrator hacked into women's and girls' computer webcams. He secretly recorded his victims, obtaining nude images. He used these images to demand more sexually explicit images and posted at least one image online. Even though this is a heinous violation of privacy, the perpetrator was only found guilty of computer-based crimes because the existing laws did not describe Sexual Extortion as a crime. This proposed legislation would disallow this type of privacy and personal invasion and hold perpetrators legally responsible.³

A related law to this is the "revenge porn" law. However, that law is only implicated if (when) the perpetrator shares sexually explicit images. This would allow the law to hold a perpetrator accountable for all of the acts that went into gathering or obtaining those images.

¹ National Center for Missing and Exploited Children (2020).

² *United States v. Mijango*, Docket No. CR 10-743 GHK (C.D.C.A.), available at <https://www.courtlistener.com/docket/4145933/united-states-v-mijangos/> last visited February 14, 2019.

³ Statement of Natalie O. Ludaway, Chief Deputy Attorney General for the District of Columbia, July 11, 2018.

KCSDV finds it important to recognize that blackmail, coercion, and abuse of power are often used in cases of domestic violence and sexual violence to compel a victim to comply with the desires of the perpetrator making it critically important for all of us to recognize and acknowledge the many ways the wrongful acts of abuse of power can present themselves in the life of a victim.

All victims deserve to be safe from this type of blackmail or intrusion. KCSDV strongly encourages the passage of HB2546.

Sincerely submitted on behalf of KCSDV,

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