

SENATE BILL No. 471

By Committee on Judiciary

1-27

10 AN ACT concerning crimes and punishment; relating to harassment by
11 telephone; harassment by telecommunications; amending K.S.A. 21-
12 4113 and repealing the existing section.
13

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

15 Section 1. K.S.A. 21-4113 is hereby amended to read as follows: 21-
16 4113. (a) Harassment by ~~telephone~~ *telecommunications* is use of ~~tele-~~
17 ~~phone communication~~ *telecommunications* **a telecommunications de-**
18 **vice** for any of the following purposes:

19 (1) Making or transmitting any comment, request, suggestion ~~or~~, pro-
20 posal, *image or text* which is obscene, lewd, lascivious, filthy or indecent;

21 (2) ~~making a telephone call, whether or not conversation ensues, or~~
22 ~~transmitting a telefacsimile communication with intent to abuse, threaten~~
23 ~~or harass any person at the called number;~~

24 ~~—(3) making or transmitting any comment, request, suggestion,~~
25 ~~proposal, image or text with intent to abuse, threaten or harass any~~
26 ~~person at the receiving end;~~

27 (3) making or causing the telephone of another *a telecommunications*
28 *device* to repeatedly ~~to~~ ring or activate, with intent to harass any person
29 at the ~~called number~~ *receiving end*;

30 (4) ~~making repeated telephone calls, during which conversation en-~~
31 ~~sues, or repeatedly transmitting a telefacsimile communication solely to~~
32 ~~harass any person at the called number;~~

33 ~~—(5) (3) (4)~~ playing any recording on a telephone, except recordings
34 such as weather information or sports information when the number
35 thereof is dialed, unless the person or group playing the recording shall
36 be identified and state that it is a recording; or

37 (6) (4) (5) knowingly permitting any ~~telephone or telefacsimile com-~~
38 ~~munication machine~~ *telecommunications device* under one's control to be
39 used for any of the purposes mentioned herein.

40 (b) Every telephone directory published for distribution to members
41 of the general public shall contain a notice setting forth a summary of the
42 provisions of this section. Such notice shall be printed in type which is
43 no smaller than any other type on the same page and shall be preceded

1 by the word “WARNING.”

2 (c) Harassment by ~~telephone~~ *telecommunications* is a class A non-
3 person misdemeanor.

4 (d) As used in this section, ~~“telephone communication” shall include~~
5 *“telecommunications device” includes telephones, cellular telephones, te-*
6 *lefacsimile communication which is the use of electronic equipment to*
7 *send or transmit a copy of a document via telephone lines machines and*
8 *any other electronic device which makes use of telephone lines or services.*

9 Sec. 2. K.S.A. 21-4113 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.