

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 471

As Amended by Senate Committee on
Judiciary

Brief*

SB 471, as amended, would change the crime of harassment by telephone to harassment by telecommunications. The bill would define the crime to require the use of a telecommunications device to:

- Make or transmit any image or text which is obscene, lewd, lascivious, filthy, or indecent;
- Make or transmit any image or text with the intent to abuse, threaten, or harass any person at the receiving end;
- Make or cause a telecommunications device to repeatedly ring or activate, with the intent to harass any person at the receiving end; or
- Knowingly permit the use of a telecommunications device under one's control to be used in the manner listed above.

A telecommunications device would be defined to include telephones, cellular telephones, telefacsimile machines, and any other electronic device which makes use of telephone lines or services.

The bill would make the crime of harassment by telecommunications a class A, nonperson misdemeanor.

*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>

Background

The proponents of the bill, as introduced, who provided testimony in the Senate Committee hearing were Senator Tom Holland, a representative of the Kansas Attorney General's Office, and a private citizen.

There was no testimony in opposition to the bill in the Senate Committee hearing.

The Senate Committee amended the bill to make a technical amendment to add the words "a" and "device" to the bill. The Senate Committee also reinserted language regarding intent to abuse, threaten, or harass and conformed it to the other provisions in the bill.

According to the fiscal note on the bill, as introduced, passage of the bill has the potential for increasing litigation in the courts because of the new crime created in the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, the precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.