

HOUSE BILL No. 2594

By Committee on Judiciary

Requested by Steve Kearney on behalf of Kansas County and District Attorneys Association

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to blackmail; modifying the elements related to threatened
3 dissemination of any videotape, photograph, film or image of another
4 identifiable person who is nude or engaged in sexual activity by
5 removing the connection to breach of privacy and describing the
6 content of the videotape, photograph, film or image; amending K.S.A.
7 21-5428 and repealing the existing section.
8

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

10 Section 1. K.S.A. 21-5428 is hereby amended to read as follows: 21-
11 5428. (a) Blackmail is intentionally gaining or attempting to gain anything
12 of value or compelling or attempting to compel another to act against such
13 person's will, by threatening to:

14 (1) Communicate accusations or statements about any person that
15 would subject such person or any other person to public ridicule, contempt
16 or degradation; or

17 (2) disseminate any videotape, photograph, film or image ~~obtained in~~
18 ~~violation of K.S.A. 21-6101(a)(6) or (a)(8), and amendments thereto of~~
19 *another identifiable person who is nude or engaged in sexual activity,*
20 *including, but not limited to, any videotape, photograph, film or image*
21 *that has been created, in whole or in part, altered or modified by artificial*
22 *intelligence or any digital means to appear to depict or purport to depict*
23 *such identifiable person, regardless of whether such identifiable person*
24 *was involved in the creation of the original image.*

25 (b) Blackmail as defined in:

26 (1) Subsection (a)(1) is a severity level 7, nonperson felony; and
27 (2) subsection (a)(2) is a severity level 4, person felony.

28 Sec. 2. K.S.A. 21-5428 is hereby repealed.

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