

## 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~~, **video or**  
4 **other recording** of another identifiable person who is nude or  
5 engaged in sexual activity by ~~removing~~ **changing** the connection to  
6 breach of privacy and describing the content of the ~~videotape,~~  
7 ~~photograph, film or image~~, **video or other recording**; amending  
8 K.S.A. 21-5428 and repealing the existing section.

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

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

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

19 (2) disseminate any ~~videotape, photograph, film or image obtained in~~  
20 ~~violation of K.S.A. 21-6101(a)(6) or (a)(8), and amendments thereto,~~  
21 **video or other recording**;

22 **(A) Obtained in violation of K.S.A. 21-6101(a)(6), and**  
23 **amendments thereto; or**

24 **(B) -of another identifiable person who is nude or engaged in sexual**  
25 **activity, including, but not limited to, any** ~~videotape, photograph, film or~~  
26 **image, video or other recording that has been created, in whole or in**  
27 **part, altered or modified by artificial intelligence or any digital means to**  
28 **appear to depict or purport to depict such identifiable person, regardless**  
29 **of whether such identifiable person was involved in the creation of the**  
30 **original image, video or other recording.**

31 (b) Blackmail as defined in:

32 (1) Subsection (a)(1) is a severity level 7, nonperson felony; and

1       (2) subsection (a)(2) is a severity level 4, person felony.

2       {(c) As used in this section, "image, video or other recording"  
3 means any photograph, film, video picture, digital or computer-  
4 generated image or picture, whether made or produced by electronic,  
5 mechanical or other means.}

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 K.S.A. 21-5428 is hereby repealed.

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