



Date: February 29, 2024
To: Chairman Owens and the House Committee on Corrections and Juvenile Justice
From: City of Wichita
Re: Support of SB 420

Thank you for allowing the City of Wichita to testify on SB 420, which we believe is an important amendment to protect the people of Kansas. Once a bill is passed, the strengths and weaknesses of the law are tested as it is applied to real life situations. The Breach of Privacy law, KSA 21-6101, has been a useful tool in prosecuting cases where concealed cameras are used to film a person in a state of undress, but it has fallen short in situations where the victim cannot see the recording device, but it is not actually concealed.

In an example of the shortcomings is a 2023 case where the Wichita Police Department responded to a call at a clothing store. A woman complained that as she squatted down to look at an item on a low shelf, a man behind her used his cellphone and took video or photos of her under her skirt. These actions were recorded on the store security cameras. Although the act was clearly visible on camera and the victim wanted to pursue criminal charges, the act did not actually violate the law because the man's camera was not concealed.

Activities similar to this occur every year in Kansas, yet victims have no recourse. A simple change of removing the word "concealed" will protect citizens. The law would still apply only to recordings that are made without the consent of the person being recorded in a state of undress.

The City of Wichita respectfully requests that this Committee advance SB 420 to change the wording of KSA 21-6101 to include the act of photographing or videotaping a person in a state of undress without their permission regardless of whether the camera was concealed. Thank you for allowing the City to testify on SB 420.