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**Testimony to the Senate Judiciary Committee
In Support of SB217
February 13, 2023**

Chair Warren and Committee Members:

Our associations support SB217. Over the past several years we have seen a growing trend of cases where tracking devices are used to stalk others. Many of these cases involve domestic relationships gone bad. Occasionally they end up in a homicide or battery with serious injuries. We all know technology can do many good things, but in the wrong hands with the wrong intentions that same technology can become a weapon against good people. So it is with geographical tracking capable devices.

This bill is in response to that misuse of technology and is intended to provide more protection to the victims of stalking and violations of protection and restraining orders. Very basically it does the following things:

1. In the stalking statute, KSA 21-5427, it adds the utilization of any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns as an additional act that can be included in the offenders "course of conduct." (Page 3, lines 15-16)

To have a stalking violation the offender must engage in two or more of the listed eight acts. (Page 2, lines 39-42). You can see how "course of conduct" is part of the stalking crime in subsection (a) of the bill on page 1.

2. Amends the statute on interlocutory orders, KSA 23-2707(a)(1) by adding the same electronic tracking language as an included act the order can restrict. Specifically it adds the language to an order protecting the property of the parties. (Page 4, lines 1-3)

AMENDMENT REQUEST: We believe that same language needs to be added at the end of page 4, line 5, protecting the parties from molesting or interfering with the privacy or rights of each other.

3. Amends the statute on child custody orders, KSA 38-2243, by adding the same electronic tracking language on page 8, lines 18-21, applying it to an act of "harassing or intimidating" as used in subsection (h) on page 7, lines 38 and 39.
4. Amends the statute on child informal supervision restraining orders, KSA 38-2244, by adding the same electronic tracking language on page 9, lines 23-26, applying it to an act of "harassing or intimidating" as used in subsection (e) on page 9, lines 8-9 and line 10.
5. Amends the statute on authorized child custody disposition prohibition orders, KSA 38-2255, by adding the same electronic tracking language on page 13, lines 33-36, applying

it to an act of “harassing or intimidating” as used in subsection (d) (4) on page 11, lines 18 and 20.

6. Amends the statute on protection from abuse orders, KSA 60-3107, by adding the same electronic tracking language on page 13, line 43-page 14, line 2 applying it to an act of “abusing, molesting or interference of the plaintiff of minor children of the parties” as used in subsection (a)(1) on page 13, line 41-page 14 line 9.
7. Amends a statute in the protection orders from stalking, sexual assault, or human trafficking (KSA 60-31a06) by adding the same electronic tracking language on page 19, lines 5-8, applying it to an act of “harassing” or “interfering with the privacy or rights of the victim” as used in subsections (a)(1) on page 17, line 12, (a)(2) on page 17, line 18-19, and (a)(5) on page 17, line 41.

We have attempted to be inclusive of all types of protection orders and restraining orders where this technology may be applied in harmful ways.

We have framed the language so that it covers any electronic device that may capture location information and transmit it to a user of that data. We also included language to include the use of such data regardless of who actually placed the device or retrieved the data the offender uses.

We believe this is a very important change to the statutes designed to protect victims of crime and persons suffering from domestic abuse. We encourage you to pass the bill favorably.

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