

HOUSE BILL No. 2479

AN ACT concerning crimes, punishment and criminal procedure; relating to release of persons prior to trial; authorizing electronic monitoring with victim notification as a condition of release for certain offenders charged with a domestic violence offense, domestic battery, stalking or violation of a protective order; modifying the culpable mental state required to commit the crime of breach of privacy and increasing the criminal penalties for certain violations of such crime and attempt, conspiracy or criminal solicitation of certain violations of such crime; modifying the elements of the crime of blackmail related to threatened dissemination of any image, video or other recording of another identifiable person who is nude or engaged in sexual activity by changing the connection to breach of privacy and describing the content of the image, video or other recording; describing who is a person in a position of authority for a school for the crime of unlawful sexual relations; increasing the penalties for the crimes of endangering a child and aggravated endangering a child if the child is less than six years of age; amending K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 and repealing the existing sections.

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

New Section 1. (a) (1) If a magistrate is required to consider ordering electronic monitoring with victim notification pursuant to K.S.A. 22-2802, and amendments thereto, the magistrate may order such electronic monitoring pursuant to this section as a condition of release.

(2) Nothing in this section shall be construed as limiting a magistrate's authority to order electronic monitoring of a person without victim notification pursuant to K.S.A. 22-2802, and amendments thereto.

(b) In determining whether to order electronic monitoring of a person with victim notification, a magistrate may hold a hearing to consider the likelihood that the person's participation in electronic monitoring will deter the person from injuring a protected person. The magistrate shall consider the following factors:

- (1) The gravity and seriousness of harm that the person inflicted on another person in the commission of any act of domestic violence;
- (2) the person's previous history of domestic violence;
- (3) the person's history of other criminal acts, if any;
- (4) the person has access to a weapon;
- (5) whether the person has threatened suicide or homicide;
- (6) the person has a history of mental illness or has been civilly committed; and
- (7) whether the person has a history of alcohol or substance abuse.

(c) Electronic monitoring with victim notification shall be ordered only with the protected person's informed consent after such person is given the following information:

- (1) The protected person's right to refuse to participate in such monitoring and the process for requesting that the magistrate terminate such participation after monitoring has been ordered;
- (2) the manner in which the electronic monitoring technology functions and the risks and limitations of such technology;
- (3) the boundaries imposed on the person being monitored during the electronic monitoring;
- (4) the sanctions that the magistrate may impose for violations of the magistrate's orders;
- (5) the procedure that the protected person is to follow if the person being monitored violates an order or the electronic monitoring equipment fails;
- (6) identification of support services available to assist the protected person in developing a safety plan to use if the person being monitored violates an order or the electronic monitoring equipment fails;
- (7) identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation and other help in addressing the consequences and effects of domestic violence; and
- (8) the nonconfidential nature of the protected person's communications with the magistrate concerning electronic monitoring and the restrictions to be imposed upon the monitored person's

movements.

(d) Before ordering electronic monitoring of a person with victim notification, the magistrate shall afford an alleged victim 48 hours to provide the magistrate with a list of areas from which the victim would like the person excluded and shall consider the victim's request, if any, in determining the locations that the person will be ordered to refrain from going to or from being in close proximity. If the magistrate orders electronic monitoring of the person with victim notification, the magistrate shall specifically describe the locations that the person has been ordered to refrain from going to or from being in close proximity and the minimum distances, if any, that the person shall maintain from such locations.

(e) A person ordered to be placed on electronic monitoring with victim notification shall be ordered to pay the related costs and expenses.

(f) An alert from an electronic monitoring device shall be probable cause to arrest the monitored person for a violation of a protective order.

(g) The courts and state and local law enforcement agencies shall share information obtained via electronic monitoring conducted pursuant to this section.

(h) As used in this section:

(1) "Electronic monitoring with victim notification" means an electronic monitoring system that has the capability to track and monitor the movement of a person and immediately transmit the monitored person's location to the protected person through an appropriate means, including, but not limited to, the telephone, an electronic beeper or paging device, whenever the monitored person enters or is near the protected premises; and

(2) "protected premises" means a location that the magistrate has ordered the monitored person to refrain from going to or from being in close proximity pursuant to this section.

(i) This section shall be a part of and supplemental to the Kansas code of criminal procedure.

Sec. 2. K.S.A. 21-5301 is hereby amended to read as follows: 21-5301. (a) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is prevented or intercepted in executing such crime.

(b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the crime was not possible.

(c) (1) An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1. An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;

(D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)

(1) or (2), and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a) (1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age;

(I) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(J) capital murder, as defined in K.S.A. 21-5401, and amendments thereto; *or*

(K) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(d) (1) An attempt to commit a felony ~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit a violation of K.S.A. 21-5703, and amendments thereto.

(e) An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor.

(f) An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Sec. 3. K.S.A. 21-5302 is hereby amended to read as follows: 21-5302. (a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.

(c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(d) (1) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;

(D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)

(1) or (2), and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a) (1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age;

(I) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(J) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 21-6329, and amendments thereto; *or*

(K) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(e) Conspiracy to commit a felony—~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 4. K.S.A. 21-5303 is hereby amended to read as follows: 21-5303. (a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) (1) Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3. Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for criminal solicitation to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of criminal solicitation to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;

(D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b) (1) or (2), and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a) (1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(I) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; *or*

(J) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(e) Criminal solicitation to commit a felony ~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

Sec. 5. K.S.A. 21-5428 is hereby amended to read as follows: 21-5428. (a) Blackmail is intentionally gaining or attempting to gain anything of value or compelling or attempting to compel another to act against such person's will, *excluding sexual contact, sexual intercourse or conduct that is of a sexual nature*, by threatening to:

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

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

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

(B) of another identifiable person who is nude or engaged in sexual activity, including, but not limited to, any image, video or other recording that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image, video or other recording.

(b) Blackmail as defined in:

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

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

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

Sec. 6. K.S.A. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide direct supervision and offender control services to the department of corrections and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been:

(i) Released on conditional release from a juvenile correctional facility under the supervision and control of the department of corrections or juvenile community supervision agency; or

(ii) placed in the custody of the department of corrections under the supervision and control of the department of corrections or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the Kansas department for aging and disability services or the Kansas department for children and families or the employee of a contractor who is under contract to provide services in an aging and disability or children and families institution or to the Kansas department for aging and disability services or the Kansas department for children and families and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary for aging and disability services or the secretary for children and families;

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home;

(9) the offender is a teacher or other person in a position of authority *for a school* and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at ~~the such school where the offender is employed~~. If the offender is the parent of the student, *the provisions of this section shall not apply and the provisions of K.S.A. 21-5604(b), and amendments thereto, shall apply; not this subsection;*

(10) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services;

(11) the offender is a community correctional services officer or

the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections;

(12) the offender is a surety or an employee of a surety and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is the subject of a surety or bail bond agreement with such surety and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is the subject of a surety or bail bond agreement with such surety; or

(13) the offender is a law enforcement officer and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is interacting with such law enforcement officer during the course of a traffic stop, a custodial interrogation, an interview in connection with an investigation, or while the law enforcement officer has such person detained.

(b) Unlawful sexual relations as defined in:

(1) Subsection (a)(5) is a severity level 4, person felony; and

(2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12) or (a)(13) is a severity level 5, person felony.

(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 21-5503, and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5503, and amendments thereto, shall apply; ~~not this section.~~

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 21-5506(b)(1), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5506(b)(1), and amendments thereto, shall apply; ~~not this section.~~

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of K.S.A. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, shall apply; ~~not this section.~~

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of K.S.A. 21-5506(b)(2), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5506(b)(2), and amendments thereto, shall apply; ~~not this section.~~

(d) As used in this section:

(1) ~~"Correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto;~~

(2) ~~"inmate" means the same as in K.S.A. 75-5202, and amendments thereto;~~

(3) ~~"parole officer" means the same as in K.S.A. 75-5202, and amendments thereto;~~

(4) ~~"postrelease supervision" means the same as in K.S.A. 21-6803, and amendments thereto;~~

(5) ~~"juvenile detention facility" means the same as in K.S.A. 38-2302, and amendments thereto;~~

(6) ~~"juvenile correctional facility" means the same as in K.S.A. 38-2302, and amendments thereto;~~

(7) ~~"sanctions house" means the same as in K.S.A. 38-2302, and~~

amendments thereto;

~~(8) "institution" means the same as in K.S.A. 76-12a01, and amendments thereto;~~

~~(9) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;~~

(10) "Community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 38-2301 et seq., and amendments thereto;

(2) "correctional institution" means the same as defined in K.S.A. 75-5202, and amendments thereto;

~~(H)~~(3) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;

(4) "inmate" means the same as defined in K.S.A. 75-5202, and amendments thereto;

(5) "institution" means the same as defined in K.S.A. 76-12a01, and amendments thereto;

~~(I)~~(6) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the department of corrections; ~~and~~

(7) "juvenile correctional facility" means the same as defined in K.S.A. 38-2302, and amendments thereto;

(8) "juvenile detention facility" means the same as defined in K.S.A. 38-2302, and amendments thereto;

(9) "parole officer" means the same as defined in K.S.A. 75-5202, and amendments thereto;

(10) "person in a position of authority for a school" includes, but is not limited to, any person who is:

(A) Not a student enrolled at the school;

(B) delegated authority by the school to interact with students; and

(C) (i) a volunteer for the school who is 21 years of age or older;

(ii) designated or assigned through such person's employment to provide services for the school; or

(iii) a contractor or an employee of a contractor who is under contract to provide services for the school;

(11) "postrelease supervision" means the same as defined in K.S.A. 21-6803, and amendments thereto;

(12) "sanctions house" means the same as defined in K.S.A. 38-2302, and amendments thereto;

(13) "school" means any public or private school offering any of the grades kindergarten through 12;

~~(J)~~(14) "surety" means the same as defined in K.S.A. 22-2809a, and amendments thereto; and

(15) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any school.

Sec. 7. K.S.A. 2025 Supp. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under ~~the age of~~ 18 years of age to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under ~~the age of~~ 18 years of age to be placed in a situation in which the child's life, body or health is endangered;

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or

attempting to manufacture any methamphetamine or any fentanyl-related controlled substance; or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine; or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

(c) (1) Endangering a child is a:

(A) Class A person misdemeanor *if the child is at least six years of age but less than 18 years of age; and*

(B) *severity level 9, person felony if the child is less than six years of age.*

(2) *Except as provided in subsection (c)(3), aggravated endangering a child is a:*

(A) Severity level 9, person felony ~~except as provided in subsection (c)(2)(B) if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 8, person felony if the child is less than six years of age.*

(3) *Aggravated endangering a child when bodily harm is inflicted upon the child is a:*

(A) Severity level 6, person felony ~~when bodily harm is inflicted upon the child if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 5, person felony if the child is less than six years of age.*

~~(3)(4)~~ (4) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason *that* the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(e) As used in this section:

(1) "Drug paraphernalia," "fentanyl-related controlled substance" and "manufacture" mean the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) "methamphetamine" means any substance designated in K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.

Sec. 8. K.S.A. 2025 Supp. 21-6101 is hereby amended to read as follows: 21-6101. (a) Breach of privacy is ~~knowingly~~ *intentionally* and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of

the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using ~~a camcorder, motion picture camera or photographic camera of any type to videotape, film, photograph or any device or software to record or view~~, by electronic or other means, *the nude body of, or the undergarments worn by*, another identifiable person ~~under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person~~, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any ~~videotape, photograph, film or image, video or other recording~~ obtained in violation of subsection (a)(6); or

(8) disseminating any ~~videotape, photograph, film or image, video or other recording~~ of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination. This includes disseminating any ~~videotape, photograph, film or image, video or other recording~~ that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image, *video or other recording*.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) ~~or (a)(8)~~ is a:

(A) Severity level 8, person felony, except as provided in ~~subsection subsections (b)(2)(B), (b)(2)(C) and (b)(4); and~~

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years, *except as provided in subsection (b)(4); and*

(C) *severity level 5, person felony if the victim is 14 years of age or older but less than 18 years of age;*

(3) subsection (a)(7) is a severity level 5, person felony, *except as provided in subsection (b)(4);*

(4) *subsection (a)(6) or (a)(7) or attempt, conspiracy or criminal solicitation to commit breach of privacy as defined in subsection (a)(6) or (a)(7) is an off-grid person felony if the offender is 18 years of age or older and the victim is less than 14 years of age; and*

(5) subsection (a)(8) is a:

(A) Severity level 8, person felony, *except as provided in subsection (b)(4)(B); and*

(B) *severity level 5, person felony upon a second or subsequent conviction within the previous five years.*

(c) *If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:*

(1) *K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7);*

(2) *K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7); and*

(3) *K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7).*

(d) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

~~(d)~~(e) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity ~~which~~ *that* is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto;

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto;

(5) a cable service, as defined in 47 U.S.C. § 522;

(6) a provider of direct-to-home satellite services, as defined in 47 U.S.C. § 303(v); and

(7) a multichannel video programming distributor, as defined in 47 U.S.C. § 522(13), or an affiliate thereof.

~~(e)~~(f) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

~~(f)~~(g) As used in this section;

(1) *"Image, video or other recording" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means;*

(2) *"lawful authority" does not include any act or behavior prohibited by this section that is undertaken with the intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;*

(3) *"nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and*

(4) *"private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.*

Sec. 9. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as follows: 22-2802. (a) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (n) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(2) place restrictions on the travel, association or place of abode of the person during the period of release;

(3) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(4) place the person under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; or

(5) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week.

(b) In addition to any conditions of release provided in subsection (a), for any person charged with:

(1) A felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release; *and*

(2) *a domestic violence offense, as defined in K.S.A. 21-5111, and amendments thereto, domestic battery or aggravated domestic battery, as described in K.S.A. 21-5414, and amendments thereto, stalking, as described in K.S.A. 21-5427, and amendments thereto, or violation of a protective order as described in K.S.A. 21-5924, and amendments thereto, the magistrate shall consider ordering electronic monitoring of the person with victim notification pursuant to section 1, and amendments thereto, as a condition of release.*

(c) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(d) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to subsection (c). Except as provided in subsection (e), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to subsection (c).

(e) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (c) or posted with a deposit of cash as described in subsection (d). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony committed prior to July 1, 2012, a drug severity level 5 felony committed on or after July 1, 2012, or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:

- (1) Is a resident of the state of Kansas;
- (2) has a criminal history score category of G, H or I;
- (3) has no prior history of failure to appear for any court appearances;
- (4) has no detainer or hold from any other jurisdiction;
- (5) has not been extradited from, and is not awaiting extradition to, another state; and
- (6) has not been detained for an alleged violation of probation.

(f) In the discretion of the court, a person charged with a crime may be released upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all requirements to appear in court. The release of a person

charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.

(g) The court shall not impose any administrative fee.

(h) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; whether the defendant is lawfully present in the United States; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(i) The appearance bond shall set forth all of the conditions of release.

(j) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(k) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (j) shall apply.

(l) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(m) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(n) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(o) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$15 per week of such supervision *except as provided in section 1, and amendments thereto*. As a condition of sentencing under K.S.A. 21-6604, and amendments thereto, the court may impose the full amount of any such costs in addition to the \$15 per week, including, but not limited to, costs for treatment and evaluation under subsection (b).

(p) (1) If a defendant is charged with rape, as described in K.S.A. 21-5503, and amendments thereto, criminal sodomy or aggravated criminal sodomy, as described in K.S.A. 21-5504, and amendments

thereto, aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506, and amendments thereto, the magistrate shall determine prior convictions of such offenses or comparable out-of-state convictions upon available evidence.

(2) If the magistrate determines that such defendant has a prior conviction of any crime that constitutes a sexually violent crime as defined in K.S.A. 22-4902, and amendments thereto, bond shall be at least \$750,000 cash or surety and have at least minimum conditions of no contact with any victims or witnesses and the magistrate shall place the person under a house arrest program pursuant to subsection (a)(4). Such bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

Sec. 10. K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.