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Testimony in Support of Senate Bill 368

**Presented to the House Committee on Corrections and Juvenile Justice
By Senior Assistant Attorney General Melissa G. Johnson**

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Chair Owens and Members of the Committee:

Thank you for the opportunity to testify today in support of Senate Bill 368. The proposed amendment to K.S.A. 2021 Supp. 22-4902 would add a registration requirement for persons convicted of internet trading in child pornography or aggravated internet trading in child pornography. Currently, the Kansas Offender Registration Act does not require registration for these offenses.

The list of sexually violent offenses, as defined by K.S.A. 2021 Supp. 22-4902(c), includes sexual exploitation of a child but not internet trading or aggravated internet trading to the list of sexually violent crimes which require registration. In effect, a conviction for the possession of a sexually explicit images of a child pursuant to K.S.A. 21-5510(a)(2) is a registrable offense while the distribution of that same images on the internet is not.

K.S.A. 21-5514(a) defines internet trading in child pornography as the

sexual exploitation of a child, as defined in K.S.A. 2021 Supp. 21-5510(a)(2), and amendments thereto, when the offender is 18 years of age or older, and the offender knowingly causes or permits the visual depiction to be viewed, by use of any electronic device connected to the internet, by any person other than the offender or a person depicted in the visual depiction.

This offense is currently a severity level 5, person felony.

Under K.S.A. 21-5514(b), aggravated internet trading in child pornography is the

sexual exploitation of a child, as defined in K.S.A. 2021 Supp. 21-5510(a)(1) or (4), and amendments thereto, when the offender is 18 years of age or older and the offender knowingly causes or permits the performance to be viewed, by use of any electronic device connected to the internet, by any person other than the offender or a person depicted in the performance.

This offense is a severity level 3, person felony unless the child depicted is under 14 years of age. If the child is less than 14, it is an off-grid person felony.

The proposed change to K.S.A. 2021 Supp. 22-4902 would require persons convicted of these sexual offense against children to register, as persons convicted of other sex offenses against children currently do.

In the past, some people have downplayed the impact that the distribution of images has on the victim as there is no contact offense by persons who view or trade the images at the time the images are viewed. In actuality, these explicit images serve as the permanent documentation of the abuse suffered by the child. The long-lasting effects of knowing that the sexual abuse images are on the internet indefinitely can be particularly harmful for victims.¹

Additionally, there is a strong correlation between collecting and disseminating child pornography and contact offenses against a child. By requiring registration for individuals convicted of these offenses in Kansas, it will provide important information to parents and law enforcement in their continued work to provide safety for Kansas children.

I am happy to answer any questions that the committee members may have.

¹ National Center for Missing and Exploited Children, “Captured on Film: Survivors of Child Sex Abuse Material are stuck in a unique cycle of trauma”, <https://www.missingkids.org/content/dam/missingkids/pdfs/Captured%20on%20Film.pdf> (accessed January 28, 2022).