

2021 Kansas Statutes

21-6424. Unlawful use of a communication facility. (a) It shall be unlawful for any person to knowingly or intentionally use any communication facility:

- (1) In committing, causing, or facilitating the commission of any felony under K.S.A. 2021 Supp. 21-5426, 21-6422 or 21-6420, and amendments thereto;
- (2) in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any felony under K.S.A. 2021 Supp. 21-5426, 21-6422 or 21-6420, and amendments thereto; or
- (3) in committing, causing, or facilitating the commission of any felony or misdemeanor under K.S.A. 2021 Supp. 21-6421, and amendments thereto, or in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any felony or misdemeanor under K.S.A. 2021 Supp. 21-6421, and amendments thereto.

Each separate use of a communication facility may be charged as a separate offense under this subsection.

(b) (1) Violation of subsection (a)(1) or (a)(2) is a severity level 7, person felony.

(2) Violation of subsection (a)(3) is a class A person misdemeanor.

(c) As used in this section, "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers and all other means of communication.

(d) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2021 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2021 Supp. 21-6422, and amendments thereto.

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

History: L. 2017, ch. 78, § 1; July 1.