

Stop Street Harassment

Kansas

A variety of forms of street harassment are illegal in Kansas, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

In Kansas, the general harassment law refers specifically to harassing communications in writing or by phone. But you can report some forms of verbal street harassment under two other laws: assault or disorderly conduct.

Assault

[Chap. 21, Article 54 §5412](#)

In Kansas, knowingly putting someone in fear of immediate bodily harm is an assault. (Actually touching or harming someone is battery.)

If someone is doing some action that makes you fear s/he will immediately hurt you, such as raising his or her hand to you or threatening you, you can report him/her.

Penalty: Assault is a Class C person misdemeanor in Kansas, punishable by a fine of up to \$500 and/or up to 1 month in jail.

Disorderly Conduct

[Chap. 21, Article 62 §6203](#)

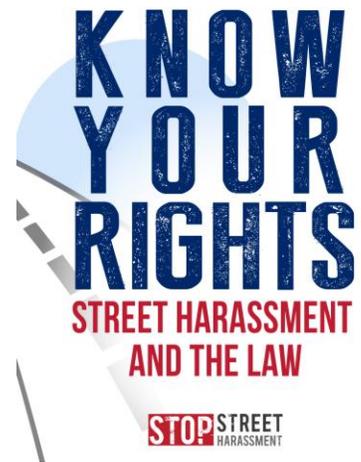
Disorderly conduct prohibits behavior “the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace.” This includes:

- Using fighting words.
- Engaging in noisy conduct that would reasonably arouse alarm, anger, or resentment in others.

If a harasser tries to pick a fight with you by insulting you or uses a very loud voice while harassing you, you can report him/her.

- Note: Fighting words are defined in Kansas as “words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace,” or, a violent reaction. It a [“fighting words”](#) law.
 - Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a Class C misdemeanor, punishable by a fine of up to \$500 and/or one month in jail.



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Unlawful Filming/Photography

Breach of Privacy

[Chap. 21, Article 61, §6101](#)

It is illegal in Kansas for anyone to film or photograph a non-consenting person for the purpose of viewing the person's body or undergarments or with the intent to invade the person's privacy:

- Under or through his/her clothing.
- When the person is in a state of undress and under circumstances in which the person should have a reasonable expectation of privacy.

This means that “up-skirt” photos, or photos taken in a dressing room, locker room, or other similar place are illegal and you have the right to report a harasser who does or who attempts to film or photograph you. It is also illegal for him or her to disseminate any such video or photograph.

Penalty: A breach of privacy by taking illegal video or photographs of you is a level 8 person felony, punishable by a fine of up to \$100,000 and/or between 7 and 9 months in jail. A breach of privacy that consists of disseminating a video, photo, film, or other image obtained in violation of this law is a level 5 person felony, punishable by a fine of up to \$300,000 and/or between 31 and 34 months in prison.

Indecent Exposure

Lewd and Lascivious Behavior

[Chap. 21, Article 55 §5513](#)

The state of Kansas uses the term “lewd and lascivious behavior” for any public sex act or public exposure of a sex organ. Public exposure of a sex organ is illegal in Kansas when done with the intent to arouse or gratify sexual desires and in the presence of someone who is not the offender's spouse and who has not consented to the act.

If a street harasser flashes or exposes him or herself to you, in a public place, such as a park, on public transportation, or in a store, you can report him/her.

Penalty: Lewd and lascivious behavior is a Class B misdemeanor if committed in the presence of someone 16 years or older, punishable by a fine of up to \$1,000 and/or up to 6 months in jail. If the act is committed in the presence of someone younger than 16 years old, lewd and lascivious behavior is a severity level 9 person felony, punishable by a fine of up to \$100,000 and/or between 5 and 7 months in jail.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

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Stalking

[Chap. 21, Article 54, §5427](#)

Stalking is defined as “engaging in a course of conduct targeted at a specific person” which satisfies one of two requirements:

- The person knows his or her actions will cause the other person to fear for his/her safety.
- Those actions would cause a reasonable person to fear for his or her safety and do in fact cause someone to be afraid.

A course of conduct means “two or more acts over a period of time, however short, which evidence a continuity of purpose.” The statute includes following and unwanted communications as examples of the actions that constitute a prohibited course of conduct.

If a street harasser follows you, harasses you repeatedly, or does any *two actions* that make you fear for your safety, you can report him or her for stalking.

Penalty: Stalking is a Class A person misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in prison.

Groping

Battery

[Chap. 21, Article 54 §5413](#)

Battery in Kansas is “knowingly or recklessly causing bodily harm to another person, or knowingly causing physical contact with another person when done in a rude, insulting or angry manner.”

If a street harasser touches you in an offensive way – including groping you – or is violent toward you, you can report him/her.

Penalty: Battery is a Class B person misdemeanor, punishable by a fine of up to \$1,000 and/or up to 5 months in jail.

Sexual Battery

[Chapter 21, Article 55 §5505](#)

Sexual battery is the touching of someone without his or her consent and with the intent to arouse or satisfy sexual desire. The law is quite broad – it does not specify particular parts of the body or whether the touching must be without clothes.

If someone touches you in a sexual or inappropriate way, even through your clothing or his or hers, you can report that person.

Penalty: Sexual battery is a Class A person misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in prison.

Stop Street Harassment

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Wichita, this number is (316) 268-4221 and in Overland Park it's (913) 895-6300. In Kansas City, it is (816) 234-5111 and in Topeka, it is (785) 368-9551. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as Harassment, [K.S.A. § 21-4113](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms.
 - In Overland Park, you can report crimes like harassing phone calls using this [webform](#).
 - In Kansas City, you can use this [webform](#).
 - In Topeka, you can report using this [webform](#).
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location.
 - In Wichita, you can do this by calling either 316-267-2111 or 1-800-222-TIPS. You can also text the number 274637 and begin the message with TIP217, or complete this [webform](#).
 - In Kansas City, you can do this by calling 816-474-8477 or texting the number 247637 and beginning the message with TIP452.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.