

**SB 217**  
**Senate Committee on Judiciary**  
**February 13, 2023**  
**WRITTEN TESTIMONY**  
**PROPONENT**

Chairperson Warren and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership includes 25 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information, training, and analysis on issues impacting victims of domestic and sexual violence, their families, and their communities. KCSDV member programs are committed to providing quality services to victims of sexual assault and domestic violence, empowering victims to live independently without the ongoing fear of violence, and to help victims secure resources necessary for a safe and healthy future.

**KCSDV supports the passage of SB 217.** Technology has a major impact in the lives of victims of domestic violence, sexual assault, and stalking and is often misused by abusive partners and perpetrators. A 2022 Bureau of Justice Statistics special report on stalking indicates that 80% of stalking victims report being stalked through technology and 14% of stalking victims have their location tracked with an electronic device or application.<sup>1</sup> As this technology becomes cheaper, more advanced, and increasingly accessible, it is likely that these numbers will only increase.

Additionally, 40% of stalking offenders are current or former intimate partners of the victim.<sup>2</sup> Electronic tracking systems are one way in which abusers may continue to assert power and control over domestic violence victims, even after the victim has left the relationship. One of the most dangerous times for victims is when they choose to leave. Violence and abuse may escalate significantly during this time and victim safety often depends on preventing perpetrators from knowing their location.

In the 2022 bipartisan reauthorization of the Violence Against Women Act (VAWA), Congress added a definition of “technological abuse” for the first time. Technological abuse is defined as “an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person,

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<sup>1</sup> Morgan, R. E., & Truman, J. L. (2022, February). *Stalking Victimization, 2019*. Washington, DC: US DOJ, Bureau of Justice Statistics, Special Report, available at <https://bjs.ojp.gov/library/publications/stalking-victimization-2019>

<sup>2</sup> Smith, S.G., Basile, K.C., & Kresnow, M. (2022). *The National Intimate Partner & Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking- Updated Release*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsstalkingreport.pdf>

that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies”.<sup>3</sup> The addition of this definition reflects what victims and advocates have known for some time—that technology is complex and evolving, can be utilized by perpetrators in myriad ways to leverage power and control over victims, and that its misuse needs to be actively addressed in order to keep victims safe and hold perpetrators accountable.

One example of technological abuse is the misuse of location tracking systems. Location tracking systems give perpetrators access to information about victims that threatens victim safety, invades their privacy, and erodes their autonomy. Perpetrators are then able to use this information to further harass and intimidate victims, even if not causing them direct physical harm. Imagine, for instance, a victim who receives a text message from their perpetrator that illustrates the perpetrator knows exactly where they are in that moment. Although the perpetrator may be miles away, the impact on the victim is chilling.

SB 217 addresses a critical gap in current statute by recognizing that electronically tracking victims is part of the course of conduct in stalking and abuse. This legislation would give criminal justice system officials options to hold offenders who are tracking and terrorizing victims accountable.

KCSDV respectfully urges the Committee to recommend SB 217 favorably.

Sincerely submitted on behalf of KCSDV,

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<sup>3</sup> Violence Against Women Act Reauthorization Act of 2022, 34 USC § 12291 (a)(40) (2022).