

HOUSE BILL No. 2445

By Representatives Tomlinson and Storm, Ballard, Benlon, Crow, Findley, Flaharty, Flora, Gilbert, Horst, Kirk, Kuether, Loganbill, P. Long, McClure, Merrick, Miller, Pauls, E. Peterson, Rehorn, Ruff, Sharp, Showalter, J. Williams and Winn

2-7

AN ACT concerning crimes; relating to unlawful sexual relations with teachers; amending K.S.A. 2000 Supp. 21-3520 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 21-3520 is hereby amended to read as follows: 21-3520. (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 of the department of corrections or the employee of a contractor who is under contract to provide services in a correctional institution and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate; or

(2) the offender is a parole officer and 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 on parole or conditional release or postrelease supervision under the direct supervision and control of the offender; or

(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 by lawful custody to such jail; or

(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 by lawful custody to such facility or sanctions house; or

(5) the offender is an employee of the juvenile justice authority or

1 the employee of a contractor who is under contract to provide services in
2 a juvenile correctional facility and the person with whom the offender is
3 engaging in consensual sexual intercourse, lewd fondling or touching, or
4 sodomy is a person 16 years of age or older who is confined by lawful
5 custody to such facility; or

6 (6) the offender is an employee of the juvenile justice authority or
7 the employee of a contractor who is under contract to provide direct
8 supervision and offender control services to the juvenile justice authority
9 and the person with whom the offender is engaging in consensual sexual
10 intercourse, lewd fondling or touching, or sodomy is 16 years of age or
11 older and (A) released on conditional release from a juvenile correctional
12 facility under the direct supervision and control of the offender or (B)
13 placed in the custody of the juvenile justice authority under the direct
14 supervision and control of the offender; *or*

15 (7) *the offender is a teacher and the person with whom the offender*
16 *is engaging in consensual sexual intercourse, lewd fondling or touching*
17 *or sodomy is 16 or 17 years of age and a student enrolled at the school*
18 *where the offender teaches.*

19 (b) For purposes of this act:

20 (1) "Correctional institution" means the same as prescribed by K.S.A.
21 75-5202, and amendments thereto;

22 (2) "inmate" means the same as prescribed by K.S.A. 75-5202, and
23 amendments thereto;

24 (3) "parole officer" means the same as prescribed by K.S.A. 75-5202,
25 and amendments thereto;

26 (4) "postrelease supervision" means the same as prescribed in the
27 Kansas sentencing guidelines act in K.S.A. 21-4703 *and amendments*
28 *thereto*;

29 (5) "juvenile detention facility" means the same as prescribed by
30 K.S.A. 38-1602, and amendments thereto;

31 (6) "juvenile correctional facility" means the same as prescribed by
32 K.S.A. 38-1602, and amendments thereto;

33 (7) "sanctions house" means the same as prescribed by K.S.A. 38-
34 1602, and amendments thereto;

35 (8) *"teacher" means and includes teachers, supervisors, principals,*
36 *superintendents and any other employee who is required to have a*
37 *teacher's or school administrator's certificate in any public or accredited*
38 *private school; and*

39 (9) *"school" shall have the meaning ascribed to it in K.S.A. 2000 Supp.*
40 *72-89b02 and amendments thereto.*

41 (c) Unlawful sexual relations is a severity level 10 person felony.

42 Sec. 2. K.S.A. 2000 Supp. 21-3520 is hereby repealed.

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1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.
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