

## HOUSE BILL No. 2534

By Committee on Corrections and Juvenile Justice

1-25

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9 AN ACT concerning crimes and punishment; relating to unlawful sexual  
10 relations; amending K.S.A. 21-3520 and repealing the existing section.

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

13 Section 1. K.S.A. 21-3520 is hereby amended to read as follows: 21-  
14 3520. (a) Unlawful sexual relations is engaging in consensual sexual inter-  
15 tercourse, lewd fondling or touching, or sodomy with a person who is not  
16 married to the offender if:

17 (1) The offender is an employee or volunteer of the department of  
18 corrections, or the employee or volunteer of a contractor who is under  
19 contract to provide services for a correctional institution, and the person  
20 with whom the offender is engaging in consensual sexual intercourse,  
21 lewd fondling or touching, or sodomy is a person 16 years of age or older  
22 who is an inmate; or

23 (2) the offender is a parole officer, volunteer for the department of  
24 corrections or the employee or volunteer of a contractor who is under  
25 contract to provide supervision services for persons on parole, conditional  
26 release or postrelease supervision and the person with whom the offender  
27 is engaging in consensual sexual intercourse, lewd fondling or touching,  
28 or sodomy is a person 16 years of age or older who is an inmate who has  
29 been released on parole or conditional release or postrelease supervision  
30 under the direct supervision and control of the offender; or

31 (3) the offender is a law enforcement officer, an employee of a jail,  
32 or the employee of a contractor who is under contract to provide services  
33 in a jail and the person with whom the offender is engaging in consensual  
34 sexual intercourse, lewd fondling or touching, or sodomy is a person 16  
35 years of age or older who is confined by lawful custody to such jail; or

36 (4) the offender is a law enforcement officer, an employee of a ju-  
37 venile detention facility or sanctions house, or the employee of a con-  
38 tractor who is under contract to provide services in such facility or sanc-  
39 tions house and the person with whom the offender is engaging in  
40 consensual sexual intercourse, lewd fondling or touching, or sodomy is a  
41 person 16 years of age or older who is confined by lawful custody to such  
42 facility or sanctions house; or

43 (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 supervision and control of the juvenile justice authority  
13 or juvenile community supervision agency or (B) placed in the custody of  
14 the juvenile justice authority under the supervision and control of the  
15 juvenile justice authority or juvenile community supervision agency and  
16 the offender has knowledge that the person with whom the offender is  
17 engaging in consensual sexual intercourse, lewd fondling or touching, or  
18 sodomy is currently under supervision;

19 (7) the offender is an employee of the department of social and re-  
20 habilitation services or the employee of a contractor who is under contract  
21 to provide services in a social and rehabilitation services institution and  
22 the person with whom the offender is engaging in consensual sexual in-  
23 tercourse, not otherwise subject to subsection (a)(1)(C) of K.S.A. 21-3502,  
24 and amendments thereto, lewd fondling or touching, or sodomy, not oth-  
25 erwise subject to subsection (a)(3)(C) of K.S.A. 21-3506, and amendments  
26 thereto, is a person 16 years of age or older who is a patient in such  
27 institution;

28 (8) the offender is a teacher or a person in a position of authority and  
29 the person with whom the offender is engaging in consensual sexual in-  
30 tercourse, not otherwise subject to subsection (a)(2) of K.S.A. 21-3502 or  
31 subsection (a)(1) of K.S.A. 21-3504, and amendments thereto, lewd fon-  
32 dling or touching, not otherwise subject to K.S.A. 21-3503 or subsection  
33 (a)(2) or (a)(3) of K.S.A. 21-3504, and amendments thereto, or sodomy,  
34 not otherwise subject to K.S.A. 21-3505 or subsection (a)(1) or (a)(2) of  
35 K.S.A. 21-3506, and amendments thereto, is a student enrolled at the  
36 school where the offender is employed. If the offender is the parent of  
37 the student, the provisions of K.S.A. 21-3603, and amendments thereto,  
38 shall apply, not this subsection;

39 (9) the offender is a court services officer or the employee of a con-  
40 tractor who is under contract to provide supervision services for persons  
41 under court services supervision and the person with whom the offender  
42 is engaging in consensual sexual intercourse, lewd fondling or touching,  
43 or sodomy is a person 16 years of age or older who has been placed on

1 probation under the supervision and control of court services and the  
2 offender has knowledge that the person with whom the offender is en-  
3 gaging in consensual sexual intercourse, lewd fondling or touching, or  
4 sodomy is currently under the supervision of court services; or  
5 (10) the offender is a community correctional services officer or the  
6 employee of a contractor who is under contract to provide supervision  
7 services for persons under community corrections supervision and the  
8 person with whom the offender is engaging in consensual sexual inter-  
9 course, lewd fondling or touching, or sodomy is a person 16 years of age  
10 or older who has been assigned to a community correctional services  
11 program under the supervision and control of community corrections and  
12 the offender has knowledge that the person with whom the offender is  
13 engaging in consensual sexual intercourse, lewd fondling or touching, or  
14 sodomy is currently under supervision of community corrections.  
15 (b) *Unlawful sexual relations as provided in:*  
16 (1) *Subsections (a)(1), (3), (4) or (5) is a severity level 5, person felony;*  
17 *and*  
18 (2) *subsections (a)(2), (6), (7), (8), (9) or (10) is a severity level 8,*  
19 *person felony.*  
20 ~~(b)~~ (c) For purposes of this act:  
21 (1) “Correctional institution” means the same as prescribed by K.S.A.  
22 75-5202, and amendments thereto;  
23 (2) “inmate” means the same as prescribed by K.S.A. 75-5202, and  
24 amendments thereto;  
25 (3) “parole officer” means the same as prescribed by K.S.A. 75-5202,  
26 and amendments thereto;  
27 (4) “postrelease supervision” means the same as prescribed in the  
28 Kansas sentencing guidelines act in K.S.A. 21-4703, and amendments  
29 thereto;  
30 (5) “juvenile detention facility” means the same as prescribed by  
31 K.S.A. 2007 Supp. 38-2302, and amendments thereto;  
32 (6) “juvenile correctional facility” means the same as prescribed by  
33 K.S.A. 2007 Supp. 38-2302, and amendments thereto;  
34 (7) “sanctions house” means the same as prescribed by K.S.A. 2007  
35 Supp. 38-2302, and amendments thereto;  
36 (8) “institution” means the same as prescribed by K.S.A. 76-12a01,  
37 and amendments thereto; and  
38 (9) “teacher” means and includes teachers, supervisors, principals,  
39 superintendents and any other professional employee in any public or  
40 private school offering any of grades kindergarten through 12;  
41 (10) “community corrections” means the entity responsible for su-  
42 pervising adults and juvenile offenders for confinement, detention, care  
43 or treatment, subject to conditions imposed by the court pursuant to the

1 community corrections act, K.S.A. 75-5290, and amendments thereto,  
2 and the Kansas juvenile justice code, K.S.A. 38-1601 et seq., and amend-  
3 ments thereto;

4 (11) “court services” means the entity appointed by the district court  
5 that is responsible for supervising adults and juveniles placed on probation  
6 and misdemeanants placed on parole by district courts of this state;

7 (12) “law enforcement officer” means the same as prescribed by  
8 K.S.A. 21-3110, and amendments thereto; and

9 (13) “juvenile community supervision agency” means an entity that  
10 receives grants for the purpose of providing direct supervision to juveniles  
11 in the custody of the juvenile justice authority.

12 ~~(c) Unlawful sexual relations is a severity level 10, person felony.~~

13 Sec. 2. K.S.A. 21-3520 is hereby repealed.

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