


MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a. m. ~~xxx~~, on February 24, 19 78.

All members were present except: All members were present.

The next meeting of the Committee will be held at 11:00 a. m. ~~xxx~~, on February 28, 19 78.

~~These minutes of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXX were considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

Staff present:

- Art Griggs - Revisor of Statutes
- Paul Purcell - Legislative Research Department
- Jerry Stephens - Legislative Research Department

Senate Bill 506 - Relating to the crime of rape; concerning the penalty therefor. The chairman explained that the bill would raise the penalty for rape from a class C felony to a class B felony, so that it would carry the same penalty as aggravated sodomy. He further explained that HB 3176 had been recommended by the House Judiciary Committee, and would do the same thing. However, the house bill was not moving up on the calendar. Following committee discussion, Senator Parrish moved to amend the bill by introducing a substitute bill which would raise the penalty for rape; would transfer the sex crimes to the chapter dealing with crimes against persons; and would repeal the crimes of adultery, illegal cohabitation, and lewd and lascivious behavior. Senator Steineger seconded the motion. Senator Hess made a substitute motion to provide that the penalty for rape would remain a class C felony; Senator Steineger seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Parrish seconded the motion. Following committee discussion, Senator Steineger made a substitute motion to strike the repealer of the crime of lewd and lascivious behavior; Senator Berman seconded the motion, but the motion failed. Following further committee discussion, the original motion carried.

Senate Bill 282 - Adoption and relinquishment of children, rights of putative father. Following committee discussion, Senator Simpson moved to report the bill favorably; Senator Hess seconded the motion. Senator Hein made a substitute motion to update citations in the bill; Senator Hess seconded the motion, and the motion carried.

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SB 282

Senator Simpson then moved to report the bill favorably as amended; that motion was withdrawn. Senator Everett moved to reinsert the stricken language on page 4; Senator Gaar seconded the motion, and the motion carried. Following further committee discussion, Senator Steineger moved to report the bill adversely; that motion failed for lack of a second. Senator Simpson moved to report the bill favorably as amended; Senator Hess seconded the motion. Senator Berman made a substitute motion to take whatever action was necessary to transfer the bill to Federal and State Affairs Committee of the Senate, so that the deadline would not be applicable to the bill. Senator Steineger seconded the motion. It was pointed out that the Kansas Court of Appeals had rendered a decision today dealing with the issue. Senator Hess indicated that he supports the motion, and would like for a subcommittee to be appointed to study the problem. The chairman explained the mechanics involved transferring the bill to Federal and State Affairs would be for this committee to report the bill favorably as amended; when the bill was reached on the calendar, the chairman would then move that the bill be rereferred to Federal and State Affairs. The motion carried.

Senate Bill 824 - Real property, termination of joint tenancy as affecting purchasers without notice of termination. Committee discussion was had concerning the bill, but no motions were made with regard to it.

Senate Bill 733 - Establishing procedure for extension of redemption period for real estate sold at judicial sale. The committee discussed the bill, but no motion was offered in support or in opposition to the bill.

Senate Bill 676 - Prosecutions for aggravated juvenile delinquency to be heard pursuant to juvenile code. Following committee discussion, it was pointed out that there is a house bill in the committee that deals with the same general subject. By consensus, no action was taken at this time on this bill.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-24-78.

2-24-78

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Ruth Groves

Topeka

QAZW

~~Way State~~

7K-

AP

SENATE BILL No. 310

By Committee on Judiciary

2-15

0015 AN ACT relating to sex offenses; amending K.S.A. 21-3501 and
0016 21-3512, and repealing the existing sections; also repealing
0017 K.S.A. 21-3505, 21-3507 and 23-118.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 21-3501 is hereby amended to read as fol-
0020 lows: 21-3501. The following definitions apply in this article
0021 unless a different meaning is plainly required:

0022 (1) "Sexual intercourse" means any penetration of the female
0023 sex organ by the male sex organ;

0024 (2) "*Sodomy*" means oral or anal copulation. Any penetration,
0025 however slight, is sufficient to complete an act of oral or anal
0026 copulation;

0027 ~~(2)~~ (3) "Unlawful sexual act" means any rape, indecent liber-
0028 ties with a child, aggravated sodomy, or lewd and lascivious
0029 behavior, as defined in this article.

0030 ~~(3)~~ (4) "Woman" means any female human being.

0031 Sec. 2. K.S.A. 21-3512 is hereby amended to read as follows:
0032 21-3512. Prostitution is performing an act of sexual intercourse *or*
0033 *sodomy* for hire, or offering or agreeing to perform an act of
0034 sexual intercourse, *sodomy* or any unlawful sexual act for hire.

0035 Prostitution is a class B misdemeanor.

0036 New Sec. 3. Bestiality is coitus with an animal. Any penetra-
0037 tion, however slight, is sufficient to complete an act of bestiality.

0038 Bestiality is a class B misdemeanor.

0039 Sec. 4. K.S.A. 21-3501, 21-3505, 21-3507, 21-3512 and 23-118
0040 are hereby repealed.

0041 Sec. 5. This act shall take effect and be in force from and after
0042 its publication in the statute book.

23-118. Unlawful cohabitation; penalty. That any persons living together as man and wife within this state without being married shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than thirty days nor more than three months. [L. 1867, ch. 84, § 12; May 27; G. S. 1868, ch. 61, § 12; R. S. 1923, 23-118.]

Article 35.—SEX OFFENSES

21-3501. Definitions. The following definitions apply in this article unless a different meaning is plainly required:

- (1) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ;
- (2) "Unlawful sexual act" means any rape, indecent liberties with a child, sodomy, aggravated sodomy, or lewd and lascivious behavior, as defined in this article.
- (3) "Woman" means any female human being. [L. 1969, ch. 180, § 21-3501; July 1, 1970.]

21-3502. Rape. (1) Rape is the act of sexual intercourse committed by a man with a woman not his wife, and without her consent when committed under any of the following circumstances:

- (a) When a woman's resistance is overcome by force or fear; or
- (b) When the woman is unconscious or physically powerless to resist; or
- (c) When the woman is incapable of giving her consent because of mental deficiency or disease, which condition was known by the man or was reasonably apparent to him; or
- (d) When the woman's resistance is prevented by the effect of any alcoholic liquor, narcotic, drug or other substance administered to the woman by the man or another for the purpose of preventing the woman's resistance, unless the woman voluntarily consumes or allows the administration of the substance with knowledge of its nature.

(2) Rape is a class C felony. [L. 1969, ch. 180, § 21-3502; July 1, 1970.]

21-3503. Indecent liberties with a child. (1) Indecent liberties with a child is engaging in either of the following acts with

a child under the age of sixteen (16) years who is not the spouse of the offender:

- (a) The act of sexual intercourse;
- (b) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender or both.

(2) Indecent liberties with a child is a class C felony.

History: K.S.A. 21-3503; L. 1975, ch. 193, § 1; July 1.

21-3504. Indecent liberties with a ward. Indecent liberties with a ward is either of the following acts when committed with a child under the age of sixteen (16) years by any guardian, proprietor or employee of any foster home, orphanage, or other public or private institution for the care and custody of minor children, to whose charge such child has been committed or entrusted by any court, probation officer, department of social and rehabilitation services or other agency acting under color of law:

- (a) The act of sexual intercourse;
- (b) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender or both.

Indecent liberties with a ward is a class B felony.

History: K.S.A. 21-3504; L. 1975, ch. 193, § 2; July 1.

21-3505. Sodomy. Sodomy is oral or anal copulation between persons who are not husband and wife or consenting adult members of the opposite sex, or between a person and an animal, or coitus with an animal. Any penetration, however slight, is sufficient to complete the crime of sodomy.

Sodomy is a class B misdemeanor. [L. 1969, ch. 180, § 21-3505; July 1, 1970.]

21-3506. Aggravated sodomy. Aggravated sodomy is sodomy committed:

- (a) With force or threat of force, or where bodily harm is inflicted on the victim during the commission of the crime; or
- (b) With a child under the age of sixteen (16) years.

Aggravated sodomy is a class B felony. [L. 1969, ch. 180, § 21-3506; July 1, 1970.]

21-3507. Adultery. (1) Adultery is sexual intercourse by a person with another who is not his spouse if

- (a) Such person is married; or
- (b) Such person is not married and knows that the other person involved in such intercourse is married.

(2) Adultery is a class C misdemeanor. [L. 1969, ch. 180, § 21-3507; July 1, 1970.]

21-3508. Lewd and lascivious behavior.

(1) Lewd and lascivious behavior is:

- (a) The commission of an act of sexual intercourse or sodomy with any person or animal with knowledge or reasonable anticipation that the participants are being viewed by others; or
- (b) The exposure of a sex organ in the presence of a person who is not the spouse of the offender or who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.

(2) Lewd and lascivious behavior is a class B misdemeanor. [L. 1969, ch. 180, § 21-3508; July 1, 1970.]

21-3509. Enticement of a child. Enticement of a child is inviting, persuading or attempting to persuade a child under the age of sixteen (16) years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the person of said child.

Enticement of a child is a class D felony. [L. 1969, ch. 180, § 21-3509; July 1, 1970.]

21-3510. Indecent solicitation of a child. Indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of sixteen (16) years to commit or to submit to an unlawful sexual act.

Indecent solicitation of a child is a class A misdemeanor. [L. 1969, ch. 180, § 21-3510; July 1, 1970.]

21-3511. Aggravated indecent solicitation of a child. Aggravated indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of twelve (12) years to commit or to submit to an unlawful sexual act.

Aggravated indecent solicitation of a child is a class E felony. [L. 1969, ch. 180, § 21-3511; July 1, 1970.]

21-3512. Prostitution. Prostitution is performing an act of sexual intercourse for hire, or offering or agreeing to perform an act of sexual intercourse or any unlawful sexual act for hire.

Prostitution is a class B misdemeanor. [L. 1969, ch. 180, § 21-3512; July 1, 1970.]

21-3513. Promoting prostitution. (1) Promoting prostitution is:

- (a) Establishing, owning, maintaining or managing a house prostitution, or participating in the establishment, ownership, maintenance, or management thereof; or
- (b) Permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution; or
- (c) Procuring a prostitute for a house of prostitution; or
- (d) Inducing another to become a prostitute; or
- (e) Soliciting a patron for a prostitute or for a house of prostitution; or
- (f) Procuring a prostitute for a patron; or
- (g) Procuring transportation for, paying for the transportation of, or transporting a person within this state with the intention of assisting or promoting that person's engaging in prostitution; or
- (h) Being employed to perform any act which is prohibited by this section.

(2) Promoting prostitution is a class A misdemeanor. [L. 1969, ch. 180, § 21-3513; July 1, 1970.]

21-3514. Habitually promoting prostitution. Habitually promoting prostitution is the commission of any act constituting promoting prostitution, as defined in section 21-3513, by a person who has, prior to the commission of such act, been convicted of a prior violation of said section 21-3513.

Habitually promoting prostitution is a class E felony. [L. 1969, ch. 180, § 21-3514; July 1, 1970.]

21-3515. Patronizing a prostitute. (1) Patronizing a prostitute is either:

(a) Knowingly entering or remaining in a house of prostitution with intent to engage in sexual intercourse or any unlawful sexual act with a prostitute; or

(b) Knowingly hiring a prostitute to engage in sexual intercourse or any unlawful sexual act.

(2) Patronizing a prostitute is a class C misdemeanor. [L. 1969, ch. 180, § 21-3515; July 1, 1970.]

21-3602. Incest. Incest is marriage to or engaging in sexual intercourse with a person known to the defendant to be related to him as brother or sister of the one-half as well as the whole blood, uncle, aunt, nephew or niece.

Incest is a class E felony. [L. 1969, ch. 180, § 21-3602; July 1, 1970.]

21-3603. Aggravated incest. (1) Aggravated incest is sexual intercourse or any unlawful sexual act by a parent with a person he knows is his child.

(2) Parent for the purposes of this section means a natural father or mother, an adoptive father or mother, a stepfather or stepmother or a grandfather or grandmother of any degree.

(3) Child for the purposes of this section means a son, daughter, grand son or granddaughter, regardless of legitimacy or age; and also means a stepson or stepdaughter or adopted son or adopted daughter under the age of eighteen (18).

(4) Aggravated incest is a class D felony. [L. 1969, ch. 180, § 21-3603; July 1, 1970.]

As Amended by House Committee

Session of 1978

HOUSE BILL No. 3176

By Committee on Judiciary

2-6

0015 AN ACT relating to crimes and punishments; **providing for**
 0016 **certain sexual offenses** supplementing the Kansas criminal
 0017 code; repealing K.S.A. 21-3502, 21-3505, 21-3506, 21-3509,
 0018 21-3510, 21-3511 and, 21-3602, and **21-3603** and K.S.A. 1977
 0019 Supp. 21-3503 and 21-3504.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. The following definitions apply in this act unless
 0022 a different meaning is plainly required:

0023 (1) "Sexual intercourse" means any penetration of the female
 0024 sex organ by the male sex organ;

0025 (2) "Unlawful sexual act" means any rape, indecent liberties
 0026 with a child, sodomy, aggravated sodomy, or lewd and lascivious
 0027 behavior, as defined in this article.

0028 (3) "Woman" means any female human being.

0029 Sec. 2. (1) Rape is the act of sexual intercourse committed by
 0030 a man with a woman not his wife, and without her consent when
 0031 committed under any of the following circumstances:

0032 (a) When a woman's resistance is overcome by force or fear; or

0033 (b) When the woman is unconscious or physically powerless
 0034 to resist; or

0035 (c) When the woman is incapable of giving her consent be-
 0036 cause of mental deficiency or disease, which condition was
 0037 known by the man or was reasonably apparent to him; or

0038 (d) When the woman's resistance is prevented by the effect of
 0039 any alcoholic liquor, narcotic, drug or other substance adminis-
 0040 tered to the woman by the man or another for the purpose of
 0041 preventing the woman's resistance, unless the woman voluntarily
 0042 consumes or allows the administration of the substance with
 0043 knowledge of its nature.

0044 (2) Rape is a class B felony.

0045 Sec. 3. (1) Indecent liberties with a child is engaging in
0046 either of the following acts with a child under the age of sixteen
0047 (16) years who is not the spouse of the offender:

0048 (a) The act of sexual intercourse;

0049 (b) Any lewd fondling or touching of the person of either the
0050 child or the offender, done or submitted to with the intent to
0051 arouse or to satisfy the sexual desires of either the child or the
0052 offender or both.

0053 (2) Indecent liberties with a child is a class C felony.

0054 Sec. 4. Indecent liberties with a ward is either of the follow-
0055 ing acts when committed with a child under the age of sixteen
0056 (16) years by any guardian, proprietor or employee of any foster
0057 home, orphanage, or other public or private institution for the
0058 care and custody of minor children, to whose charge such child
0059 has been committed or entrusted by any court, probation officer,
0060 department of social and rehabilitation services or other agency
0061 acting under color of law:

0062 (a) The act of sexual intercourse;

0063 (b) Any lewd fondling or touching of the person of either the
0064 child or the offender, done or submitted to with the intent to
0065 arouse or satisfy the sexual desires of either the child or the
0066 offender or both.

0067 Indecent liberties with a ward is a class C felony.

0068 Sec. 5. Sodomy is oral or anal copulation between persons
0069 who are not husband and wife or consenting adult members of
0070 the opposite sex, or between a person and an animal, or coitus
0071 with an animal. Any penetration, however slight, is sufficient to
0072 complete the crime of sodomy.

0073 Sodomy is a class B misdemeanor.

0074 Sec. 6. Aggravated sodomy is sodomy committed:

0075 ~~(a)~~ With force or threat of force, or where bodily harm is
0076 inflicted on the victim during the commission of the crime; or.

0077 ~~(b) With a child under the age of sixteen (16) years.~~

0078 Aggravated sodomy is a class B felony.

0079 Sec. 7. Sodomy with a child is sodomy committed with a
0080 child under the age of sixteen (16) years.

0081 **Sodomy with a child is a class C felony.**

0082 **Sec. 7 8.** Enticement of a child is inviting, persuading or
0083 attempting to persuade a child under the age of sixteen (16) years
0084 to enter any vehicle, building, room or secluded place with intent
0085 to commit an unlawful sexual act upon or with the person of said
0086 child.

0087 Enticement of a child is a class D felony.

0088 **Sec. 8 9.** Indecent solicitation of a child is the accosting,
0089 enticing or soliciting of a child under the age of sixteen (16) years
0090 to commit or to submit to an unlawful sexual act.

0091 Indecent solicitation of a child is a class A misdemeanor.

0092 **Sec. 9 10.** Aggravated indecent solicitation of a child is the
0093 accosting, enticing or soliciting of a child under the age of twelve
0094 (12) years to commit or to submit to an unlawful sexual act.

0095 Aggravated indecent solicitation of a child is a class E felony.

0096 **Sec. 10 11.** Incest is marriage to or engaging in sexual inter-
0097 course with a person known to the defendant to be related to him
0098 as brother or sister of the one-half as well as the whole blood,
0099 uncle, aunt, nephew or niece.

0100 Incest is a class E felony.

0101 **Sec. 11 12.** (1) Aggravated incest is sexual intercourse or any
0102 unlawful sexual act by a parent with a person he knows is his
0103 child.

0104 (2) Parent for the purposes of this section means a natural
0105 father or mother, an adoptive father or mother, a stepfather or
0106 stepmother or a grandfather or grandmother of any degree.

0107 (3) Child for the purposes of this section means a son,
0108 daughter, grandson or granddaughter, regardless of legitimacy or
0109 age; and also means a stepson or stepdaughter or adopted son or
0110 adopted daughter under the age of ~~eighteen (18)~~ sixteen (16).

0111 (4) Aggravated incest is a class C felony.

0112 **Sec. 12 13.** This act shall be a part of and supplemental to the
0113 Kansas criminal code and to article 34 thereof.

0114 **Sec. 13 14.** K.S.A. 21-3502, 21-3505, 21-3506, 21-3509, 21-
0115 3510, 21-3511 and, 21-3602, and 21-3603 and K.S.A. 1977 Supp.
0116 21-3503 and 21-3504 are hereby repealed.

0117 **Sec. 14 15.** This act shall take effect and be in force from and
0118 after its publication in the statute book.

SESSION OF 1978

Supplemental Information on HOUSE BILL 3176

AS AMENDED BY HOUSE COMMITTEE ON
JUDICIARY

*Brief of Bill **

H.B. 3176 would raise the classification for the crime of rape from a class C to a class B felony; lower the classification of the crime of indecent liberties with a ward from a class B to a class C felony, thereby making the classification the same as the classification of the crime of indecent liberties with a child; ~~lower from a class B to a class C felony, through committee amendment, the crime of aggravated sodomy when committed without force or threat of force or bodily harm with a child under the age of 16 years; and lower through committee amendment, the age of a "child" for purposes of the aggravated incest statute.~~ The bill also requires the ten enumerated sex crimes to be codified in Article 34 of Chapter 21 of the Kansas Statutes Annotated.

* Bill briefs do not express legislative intent. They give general information about the bill, not details or expected effects. They are prepared by the Legislative Research Department. The sponsors have not reviewed the briefs.

Substitute for SENATE BILL NO. 506

By Committee on Judiciary

AN ACT relating to crimes; concerning certain sexual offenses; supplementing the Kansas criminal code; repealing K.S.A. 21-3502, 21-3505, 21-3506, 21-3507, 21-3508, 21-3509, 21-3510, 21-3511, 21-3602, 21-3603 and 23-118 and K.S.A. 1977 Supp. 21-3503 and 21-3504.

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

Section 1. The following definitions apply in this act unless a different meaning is plainly required:

(1) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ;

(2) "Unlawful sexual act" means any rape, indecent liberties with a child, sodomy, aggravated sodomy, or sodomy with a child, as defined in this article.

(3) "Woman" means any female human being.

Sec. 2. (1) Rape is the act of sexual intercourse committed by a man with a woman not his or her wife, and without her consent when committed under any of the following circumstances:

(a) When a woman's resistance is overcome by force or fear;
or

(b) When the woman is unconscious or physically powerless to resist; or

(c) When the woman is incapable of giving her consent because of mental deficiency or disease, which condition was known by the man or was reasonably apparent to him or her; or

(d) When the woman's resistance is prevented by the effect of any alcoholic liquor, narcotic, drug or other substance administered to the woman by the man or another for the purpose of preventing the woman's resistance, unless the woman

voluntarily consumes or allows the administration of the substance with knowledge of its nature.

(2) Rape is a class B felony.

Sec. 3. (1) Indecent liberties with a child is engaging in either of the following acts with a child under the age of sixteen (16) years who is not the spouse of the offender:

(a) The act of sexual intercourse;

(b) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender or both.

(2) Indecent liberties with a child is a class C felony.

Sec. 4. Indecent liberties with a ward is either of the following acts when committed with a child under the age of sixteen (16) years by any guardian, proprietor or employee of any foster home, orphanage, or other public or private institution for the care and custody of minor children, to whose charge such child has been committed or entrusted by any court, probation officer, department of social and rehabilitation services or other agency acting under color of law:

(a) The act of sexual intercourse;

(b) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender or both.

Indecent liberties with a ward is a class C felony.

Sec. 5. Sodomy is oral or anal copulation between persons who are not consenting adult members of the opposite sex, or between a person and an animal, or coitus with an animal. Any penetration, however slight, is sufficient to complete the crime of sodomy.

Sodomy is a class B misdemeanor.

Sec. 6. Aggravated sodomy is sodomy committed: With force or threat of force, or where bodily harm is inflicted on the victim during the commission of the crime.

Aggravated sodomy is a class B felony.

Sec. 7. Sodomy with a child is sodomy committed with a child under the age of sixteen (16) years.

Sodomy with a child is a class C felony.

Sec. 8. Enticement of a child is inviting, persuading or attempting to persuade a child under the age of sixteen (16) years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the person of said child.

Enticement of a child is a class D felony.

Sec. 9. Indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of sixteen (16) years to commit or to submit to an unlawful sexual act.

Indecent solicitation of a child is a class A misdemeanor.

Sec. 10. Aggravated indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of twelve (12) years to commit or to submit to an unlawful sexual act.

Aggravated indecent solicitation of a child is a class E felony.

Sec. 11. Incest is marriage to or engaging in sexual intercourse with a person known to the defendant to be related to him or her as brother or sister of the one-half as well as the whole blood, uncle, aunt, nephew or niece.

Incest is a class E felony.

Sec. 12. (1) Aggravated incest is sexual intercourse or any unlawful sexual act by a parent with a person he or she knows is his or her child.

(2) Parent for the purposes of this section means a natural father or mother, an adoptive father or mother, a stepfather or stepmother or a grandfather or grandmother of any degree.

(3) Child for the purposes of this section means a son, daughter, grand son or granddaughter, regardless of legitimacy or age; and also means a stepson or stepdaughter or adopted son or adopted daughter under the age of eighteen (18).

(4) Aggravated incest is a class C felony.

Sec. 13. This act shall be a part of and supplemental to the Kansas criminal code and to article 34 thereof.

Sec. 14. K.S.A. 21-3502, 21-3505, 21-3506, 21-3507, 21-3508, 21-3509, 21-3510, 21-3511, 21-3602, 21-3603 and 23-118 and K.S.A. 1977 Supp. 21-3503 and 21-3504 are hereby repealed.

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