

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 401

As Amended by Senate Committee on Judiciary

Brief*

SB 401, as amended, would lower the culpability level required for the crime of promotion to minors of material harmful to minors from “knowingly” to “recklessly.” It would also add persons having custody, control, or supervision of any public establishment to the list of persons prohibited from engaging in the conduct covered by the crime.

Finally, the bill would remove public, private, and parochial schools from an affirmative defense provided for educational institutions that obtain and disseminate the allegedly harmful material or device as part of or incident to an approved course or program of instruction at the institution.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Pilcher-Cook. In the Senate Committee, Senator Pilcher-Cook, representatives of American Family Action of Kansas and Missouri and Sunflower House, a private citizen, and a university student interning for Senator Pilcher-Cook testified in support of the bill. There was no neutral or opponent testimony.

The Senate Committee amended the bill to change the culpability requirement and to add persons having custody, control, or supervision of a public establishment to those persons covered by the crime’s provisions.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, could increase the number of cases and appeals relating to the crime, requiring additional time of judicial and non-judicial personnel. However, a precise fiscal effect cannot be determined.