

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **SB 373** be amended on page 1, following line 9, by inserting:

"New Section 1. (a) The provisions of this section shall apply only in a prosecution for:

- (1) Rape, as defined in K.S.A. 2019 Supp. 21-5503, and amendments thereto;
- (2) indecent liberties with a child, as defined in K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in K.S.A. 2019 Supp. 21-5506(b), and amendments thereto;
- (4) criminal sodomy, as defined in K.S.A. 2019 Supp. 21-5504(a)(3) and (4), and amendments thereto;
- (5) aggravated criminal sodomy, as defined in K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;
- (6) aggravated indecent solicitation of a child, as defined in K.S.A. 2019 Supp. 21-5508(b), and amendments thereto;
- (7) sexual exploitation of a child, as defined in K.S.A. 2019 Supp. 21-5510, and amendments thereto;
- (8) aggravated sexual battery, as defined in K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;
- (9) incest, as defined in K.S.A. 2019 Supp. 21-5604(a), and amendments thereto;
- (10) aggravated incest, as defined in K.S.A. 2019 Supp. 21-5604(b), and amendments

thereto;

(11) indecent solicitation of a child, as defined in K.S.A. 2019 Supp. 21-5508(a), and amendments thereto;

(12) aggravated assault, as defined in K.S.A. 2019 Supp. 21-5412(b), and amendments thereto, with intent to commit any crime specified above;

(13) sexual battery, as defined in K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

(14) unlawful voluntary sexual relations, as defined in K.S.A. 2019 Supp. 21-5507, and amendments thereto;

(15) aggravated human trafficking, as defined in K.S.A. 2019 Supp. 21-5426(b)(2), (4) and (5), and amendments thereto;

(16) commercial sexual exploitation of a child, as defined in K.S.A. 2019 Supp. 21-6422, and amendments thereto;

(17) electronic solicitation, as defined in K.S.A. 2019 Supp. 21-5509, and amendments thereto;

(18) internet trading in child pornography, as defined in K.S.A. 2019 Supp. 21-5514(a), and amendments thereto;

(19) aggravated internet trading in child pornography, as defined in K.S.A. 2019 Supp. 21-5514(b), and amendments thereto; or

(20) attempt, as defined in K.S.A. 2019 Supp. 21-5301, and amendments thereto, or conspiracy, as defined in K.S.A. 2019 Supp. 21-5302, and amendments thereto, to commit any crime specified above.

(b) In any prosecution for a crime designated in subsection (a), a court shall not require or order a complaining witness to submit to or undergo either a psychiatric or psychological examination.

(c) As used in this section, "complaining witness" means an alleged victim of any crime

designated in subsection (a), the prosecution of which is subject to this section.

(d) This section shall be a part of and supplemental to the Kansas criminal code.";

On page 2, following line 31, by inserting:

"Sec. 3. K.S.A. 2019 Supp. 21-5507 is hereby amended to read as follows: 21-5507. (a)

Unlawful voluntary sexual relations is:

(1) Engaging in any of the following acts with a child who is ~~14~~ 10 or more years of age but less than 16 years of age:

(A) Voluntary sexual intercourse ~~or voluntary sodomy~~; or

~~(B) voluntary sodomy; or~~

~~(C)~~(B) voluntary lewd fondling or touching;

(2)(A) when the offender is less than ~~19~~ 13 years of age; or

~~(3)~~(B) when the offender is ~~less than four years of age older than the child~~ 13 years of age or older but less than 19 years of age, and the offender and the child are less than 48 months apart in age;
and

~~(4)~~(3) when the child and the offender are the only parties involved; ~~and~~

~~(5) when the child and the offender are members of the opposite sex.~~

(b) Unlawful voluntary sexual relations as defined in:

(1) Subsection (a)(1)(A) is a ~~severity level 8, person felony~~;

(A) Class A person misdemeanor, except as provided in subsection (b)(1)(B); and

(B) severity level 9, person felony if the offender and the child are 24 or more months but less than 48 months apart in age, and the offender is 13 or more years of age; and

(2) subsection (a)(1)(B) is a ~~severity level 9, person felony~~; ~~and~~;

(A) Class A person misdemeanor, except as provided in subsection (b)(2)(B); and

(B) severity level 10, person felony if the offender and the child are 24 or more months but

less than 48 months apart in age, and the offender is 13 or more years of age

~~(3) subsection (a)(1)(C) is a severity level 10, person felony.~~";

On page 19, in line 5, after "(t)(1)(A)" by inserting "; or

(C) convicted of unlawful voluntary sexual relations, as defined in K.S.A. 2019 Supp. 21-5507, and amendments thereto, or adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute a violation of K.S.A. 2019 Supp. 21-5507, and amendments thereto";

On page 37, in line 26, by striking "incldes" and inserting "includes";

On page 41, in line 17, after the first comma by inserting "21-5507,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "unlawful voluntary sexual relations;"; in line 3, after the second semicolon by inserting "offender registration;"; in line 4, after the first comma by inserting "21-5507,"; and the bill be passed as amended.

Chairperson