

SESSION OF 2020

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2473**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2473 would amend law related to unlawful voluntary sexual relations between minors and to related offender registration requirements, as follows.

The bill would amend the elements of the crime of unlawful voluntary sexual relations to consolidate elements regarding voluntary sexual intercourse and voluntary sodomy, remove a separate element regarding the child and offender being members of the opposite sex, and restructure the applicable age categories. With regard to the age categories, under current law, the crime applies where the voluntary conduct is engaged in with a child who is 14 or 15 years of age by an offender who is less than 19 years of age and is less than 4 years of age older than the child. Under the bill, the crime would apply where the voluntary conduct is engaged in with a child older than 10 years of age and less than 16 years of age by an offender who is less than 13 years of age or an offender who is between 13 and 19 years of age with an difference of less than 48 months between the ages of the offender and child.

***Criminal Penalties***

The bill would also amend the penalty for the crime, when committed *via* voluntary sexual intercourse or voluntary sodomy, to be a Class A misdemeanor, except the crime would be a severity level 9 person felony when the age

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\*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>

difference between the offender and child is 24 months or more but less than 48 months and the offender is 13 or more years in age.

The bill would amend the penalty for the crime, when committed *via* voluntary lewd fondling or touching, to be a Class A misdemeanor, except the crime would be a severity level 10 person felony when the age difference between the offender and child is 24 months or more but less than 48 months.

Current law makes the crime a severity level 8 person felony in the case of voluntary sexual intercourse, a severity level 9 person felony in the case of voluntary sodomy, and a severity level 10 person felony in the case of voluntary lewd fondling or touching.

### ***Offender Registration***

The bill would remove the requirement for offender registration for a person convicted of unlawful voluntary sexual relations or adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute unlawful voluntary sexual relations.

### **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Judicial Council. The bill represents the recommendations from a Kansas Judicial Council advisory committee's study of 2018 HB 2738.

In the House Committee hearing, representatives of the Judicial Council, Equality Kansas, the Kansas Association of Criminal Defense Lawyers, and Kansas Appleseed testified in support of the bill. Proponents generally indicated the bill would amend Kansas' "Romeo and Juliet" statute to reduce

penalties for voluntary sexual contact between minors while still allowing the state to intervene and provide services for juveniles in need and would eliminate discrimination based on the sex of the two children involved.

No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of the Attorney General (Office) indicates enactment of the bill could require the Office to prosecute cases involving the crimes described in the bill, but any costs associated with litigating a criminal charge would be borne by local law enforcement agencies and prosecutors.

The Office of Judicial Administration (OJA) indicates the bill could result in additional cases supervised by court services officers. However, the OJA does not anticipate the need to hire additional court services officers to take on any additional caseload. The OJA also indicates the bill could result in the collection of additional fines. The fiscal effect cannot be estimated because the number of additional cases and fines is unknown.

The Kansas Sentencing Commission (Commission) estimates enactment of the bill would result in a negligible decrease of adult prison beds and would reduce the workload of the Commission by 10 to 15 journal entries each year. Based on the Commission's projections, a reduction in the prison population is beneficial toward avoiding future costs for the Department of Corrections, but any reduction as a result of the bill would not be sufficient to reduce current prison expenditures.

Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.