

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2208

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2208, as amended, would create the crime of sexual extortion and would amend law related to offender registration to include persons convicted of sexual extortion.

Definition

The bill would define “sexual extortion” as communicating by any means a threat to injure the property or reputation of a person, or a threat to distribute an image or video of a person that is of a sexual nature or depicts such person in a state of nudity. Such threat must be either:

- With the intent to coerce such person to:
 - Engage in sexual contact, sexual intercourse, or conduct that is of a sexual nature; or
 - Produce, provide, or distribute an image, video, or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature; or
- That causes such person to:
 - Engage in sexual contact, sexual intercourse, or conduct that is of a sexual nature; or
 - Produce, provide, or distribute an image, video, or other recording of a person in a state

*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>

of nudity or engaging in conduct that is of a sexual nature.

Penalties

Violation of the intent to coerce provision would be a severity level 7 person felony. If the offender causes a person to act in accordance with a threat, the offense would be a severity level 4 person felony.

Offender Registration

The bill would amend the definition of “sex offender” in the Kansas Offender Registration Act to include a person convicted of sexual extortion.

Offenders convicted of sexual extortion when one of the parties involved is under 18 years of age would be required to register for a period of 15 years after the date of parole, discharge, or release, whichever is most recent, or if not confined, 15 years from the date of conviction.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Clayton. In the House Committee hearing, proponent testimony was presented by Representative Clayton and an attorney. Written-only proponent testimony was provided by a representative of the Kansas Coalition Against Sexual and Domestic Violence and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association.

The House Committee amended the bill to specify a 15-year registration requirement for the crime when one of the parties involved is under 18 years of age.

According to the prison bed impact assessment prepared by the Sentencing Commission on the bill, as introduced, the Commission indicates enactment of the bill could result in additional prison admissions, beds, and workload; however, the Commission cannot provide an estimate.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming the cases would be. The fiscal effect would most likely be accommodated within existing budget resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.