

House Corrections and Juvenile Justice Committee
February 14, 2017
House Bill 2284

Testimony of the Kansas Association of Criminal Defense Lawyers
Opponent

Dear Chairman Jennings and Members of the Committee:

The Kansas Association of Criminal Defense Lawyers is a 350+ member organization dedicated to ensuring justice and due process for people accused of crimes and other wrongdoing. Our clients include people of all ages, including juveniles and young adults.

As many of you know, in 2016, the Legislature created the new crimes of unlawful transmission of a visual depiction, aggravated unlawful transmission of a visual depiction, and possession of a visual depiction.¹ These crimes were created in response to the prevalent issue of “sexting” by middle school and high school students. Last year was not the first year this was introduced; these laws came about after many years of deliberation by this Committee, Senate counterparts, and others. They were introduced by law enforcement officers. As explained in one proponent’s testimony, “[t]he age of 12 was not pulled out of the air. This is the average age of puberty for girls in the United States. (It is 13 for boys.) Twelve is also the predominant age when students are going into middle schools where this activity frequently begins to occur. The offender can be up to and including age 18 to cover the high school setting where these incidents commonly occur. The six-year separation (versus the 4 year separation in the Romeo and Juliet laws) is to cover the span of ages in the middle school and senior high school settings.”²

We oppose any change to exclude 18 year olds. While many laws treat 18 year olds differently, the reality is that an 18-year-old is still a high school student, is still around the same people, etc. As mentioned before, these laws were crafted over a number of years, and we urge this Committee to leave these laws as they are.

Thank you for your consideration,
Jennifer Roth
on behalf of the Kansas Association of Criminal Defense Lawyers
jrothlegislative@gmail.com
785.550.5365

¹ See 2016 HB 2051 (note: the measure was introduced in SB 391 and HB 2018, so the legislative history is found under those numbers).

² See testimony regarding HB 2018 to the Senate Corrections and Juvenile Justice Committee on March 9, 2016 from Ed Klumpp on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association. http://kslegislature.org/li_2016/b2015_16/committees/ctte_s_corrections_and_juvenile_justice_1/documents/testimony/20160309_11.pdf