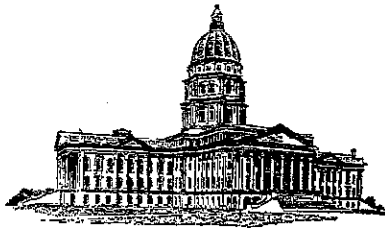


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**DENNIS "BOOG" HIGHBERGER**  
46TH DISTRICT

**TESTIMONY ON HB 2738**  
**Before the House Corrections and Juvenile Justice**

February 14, 2018

Chairman Jennings and Members of the Committee,

Thank you for the opportunity to present testimony on HB 2738 today. This bill attempts to correct some of the draconian penalties under current law for voluntary sexual contact between minors. The attached grid shows what the penalties are under current law.

This issue was first brought to my attention last year by a constituent, Randy Masten, who you will hear from later today. As you may recall, we had a hearing last year on HB 2290, a bill that also addressed this issue. After the hearing we determined that the bill as drafted did not fully address the problem, so we went back to the drawing board.

Chairman Jennings graciously allowed us some time to present testimony to the Joint Committee on Corrections and Juvenile Justice Oversight last fall. After hearing the testimony, the committee recommended that legislation be introduced to amend the penalties set out in Kansas law for unlawful voluntary sexual conduct by minors. The attached bill would remove contact between children ages 11 and 14 from any criminal penalties on the reasoning that children of these ages are together in junior high school, and any sexual experimentation between them would be much better handled by parents, teachers, and counselors than by the juvenile justice system. The bill also removes criminal penalties for contact between minors within a year of the same age. Finally, the bill imposes graduated penalties in other cases based on the age difference between the parties.

I would have liked a few more days to refine the language of the bill but we ran up against the bill introduction deadline. I expect to be offering a clean-up amendment when we work the bill, so if you see things you would like to see modified, please contact me after the hearing today so I can include your suggestions.

Thank you for your attention today and I would appreciate your support in moving this forward.

	≤11	12	13	14	15	16	17	18	≥19
≤11	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	og/og/og	og/og/og
12	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	og/og/og	og/og/og
13	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	1/1/3	og/og/og	og/og/og
14	1/1/3	1/1/3	1/1/3	8/9/10	8/9/10	8/9/10	8/9/10	3/3/5	3/3/5
15	1/1/3	1/1/3	1/1/3	8/9/10	8/9/10	8/9/10	8/9/10	8/9/10	3/3/5
16	1/1/3	1/1/3	1/1/3	8/9/10	8/9/10				
17	1/1/3	1/1/3	1/1/3	8/9/10	8/9/10				
18	og/og/og	og/og/og	og/og/og	3/3/5	8/9/10				
≥19	og/og/og	og/og/og	og/og/og	3/3/5	3/3/5				

	sexual intercourse sodomy lewd fondling or touching	NA KSA 21-5504(a)(1) NA	NA B misdemeanor NA
	sexual intercourse sodomy lewd fondling or touching	KSA 21-5507(b)(1) KSA 21-5507(b)(2) KSA 21-5507(b)(3)	8 felony 9 felony 10 felony
	sexual intercourse sodomy lewd fondling or touching	KSA 21-5506(b)(1) KSA 21-5504(a)(3) KSA 21-5506(a)(1)	3 felony 3 felony 5 felony
	sexual intercourse sodomy lewd fondling or touching	KSA 21-5503(b)(2) KSA 21-5504(c)(3) KSA 21-5506(c)(3)	off-grid felony off-grid felony off-grid felony
	sexual intercourse sodomy lewd fondling or touching	KSA 21-5503(b)(1) KSA 21-5504(b)(1) KSA 21-5506(b)(3)	1 felony 1 felony 3 felony