



Kansas County & District Attorneys Association

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To: Chairman Jennings and Members of the House Corrections and Juvenile Justice Committee

From: Kim T Parker, Prosecutor Coordinator: Kansas County and District Attorney's Association

Date: February 14th, 2018

Re: Neutral Testimony House Bill 2738

Good Afternoon Chairman Jennings and Committee Members,

Thank you for the opportunity to provide neutral testimony regarding HB2738 and to memorialize my oral testimony in writing. I represent the Kansas County and District Attorney's Association.

This bill appears to be aimed at ensuring that minors engaged in consensual, yet statutorily unlawful voluntary sexual interactions, do not experience unjust or unfair treatment in the juvenile justice system.

My testimony is offered to acknowledge the difficult discretionary decisions that are made by prosecutors daily when presented with reports of these events. Many of these reports come from parents or mandatory reporters; educators, medical personnel and law enforcement. The facts of each individual case is reviewed carefully to determine whether evidence exists of unfair advantage by one child over the other. Prosecutors are obligated to consider all the circumstances to determine the **voluntary** nature of the interaction including age difference, physical strength, emotional or intellectual dominance, power, control, coercion, brutality, or repetitive unlawful voluntary sexual interactions by a particular child with the same child or with other children.

Each case presents unique facts and circumstance and can not be evaluated on age difference alone.

Prosecutors **very rarely** bring criminal charges against a juvenile in circumstances that indicate a true voluntary engagement by **age mate** children in sexual conduct. While likely unintended, this bill seems to suggest that prosecutors **should be** charging younger minors with this crime.

We urge your careful consideration of this legislation.

Respectfully Submitted

Kim T Parker Prosecutor
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Kansas County and District Attorney's Association