

February 15, 2018

HB2709

Proponent testimony: Janet Leonard

House Committee on Corrections and Juvenile Justice

Thank you for the opportunity to be here today and to discuss the Lewd and Lascivious statute. Thank you to Abe Rafie and Joy Koesten who I had originally reached out to.

I am not a medical doctor. I am not a psychiatrist or a lawyer. I am simply a mother and grandmother, and this truly is a personal testimony. But please understand, I am not only here today on behalf of my family, but because of all I have learned, I am here for any family who will find themselves in this situation in the future.

Over the last 13 months I have witnessed my daughter's life become shattered. Her dream of a family and her son to have a normal relationship with his father become nearly impossible. Our entire family pursuing the protection of her and our grandchild each and every day. We have made progress, but it still feels temporary and unpredictable. To put it simply, it has been a nightmare. And so here I am today. Over these last 13 months I have had to investigate and educate myself on a subject I could never have foreseen.

The current Lewd and Lascivious statute in Kansas groups consensual and non-consensual acts together. In other words, two consenting adults observed having sexual relations in a car carries the same weight as a man exposing himself and/or masturbating in front of his non-consensual victim. Yes – victim. This is a sex crime. I will be completely honest with you when I say we were shocked that it was a misdemeanor.

So let's call it what it is. The term for this is Exhibitionism. Exhibitionism – the need to expose genitals to a victim. Most often committed by men, and can include masturbation in front of that victim. Exhibitionism is outlined under the Diagnostic and Statistical Manual of Mental Disorders as a paraphilic disorder. It is a lifelong disorder with a high rate of recidivism. According to LawOfficer.com an estimated 35% of exhibitionists will return to the behavior after a conviction or sentence. They go on to explain that we are not talking about a teenager "mooning" someone at a football game, or a woman exposing her breasts at Mardi Gras. Exhibitionists will take it much further. They are unpredictable with uncontrollable impulses. A percentage of exhibitionists will progress into more aggressive sexual offenses. Often exhibitionists have other personality disorders as well.

Exhibitionism is sexual assault. While it may not involve touch, the act involved along with other crimes such as voyeurism and sexual harassment are forms of sexual assault and should carry the appropriate penalty and sentence. I would be baffled to understand what reason there could be as an argument against this. In addition to increasing this to a felony offense, what additional language could be included when the offender is a parent of a young child? Or have you considered the risk of an exhibitionist employed or engaged in activities involving children? Because of their unpredictability and uncontrollable urges, shouldn't they be required to register as a sex offender? There are many states who prosecute this as a felony on the first offense, or at least increase it to a felony for repeat offenders. Just a few examples are Arkansas, Arizona and Colorado.

Please know that it is not lost on me the coincidence last year as I was deep in this situation and educating myself on the topic that so many high profile cases of this crime made headlines. This is a serious crime and a serious issue and the Kansas statute should reflect that.

Thank you for your time.