

HOUSE BILL No. 2621

By Representative Holscher

2-5

Proposed Amendments to HB 2621
House Corrections and Juvenile Justice Committee
Prepared by: Natalie Scott, Assistant Revisor
March 21, 2018

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to unlawful sexual relations; law enforcement; amending K.S.A. 2017
3 Supp. 21-5512 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 21-5512 is hereby amended to read as
7 follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual
8 sexual intercourse, lewd fondling or touching, or sodomy with a person
9 who is not married to the offender if:

10 (1) The offender is an employee or volunteer of the department of
11 corrections, or the employee or volunteer of a contractor who is under
12 contract to provide services for a correctional institution, and the person
13 with whom the offender is engaging in consensual sexual intercourse, lewd
14 fondling or touching, or sodomy is a person 16 years of age or older who
15 is an inmate;

16 (2) the offender is a parole officer, volunteer for the department of
17 corrections or the employee or volunteer of a contractor who is under
18 contract to provide supervision services for persons on parole, conditional
19 release or postrelease supervision and the person with whom the offender
20 is engaging in consensual sexual intercourse, lewd fondling or touching, or
21 sodomy is a person 16 years of age or older who is an inmate who has
22 been released on parole, conditional release or postrelease supervision and
23 the offender has knowledge that the person with whom the offender is
24 engaging in consensual sexual intercourse, lewd fondling or touching, or
25 sodomy is an inmate who has been released and is currently on parole,
26 conditional release or postrelease supervision;

27 (3) the offender is a law enforcement officer, an employee of a jail, or
28 the employee of a contractor who is under contract to provide services in a
29 jail and the person with whom the offender is engaging in consensual
30 sexual intercourse, lewd fondling or touching, or sodomy is a person 16
31 years of age or older who is confined to such jail;

32 (4) the offender is a law enforcement officer, an employee of a
33 juvenile detention facility or sanctions house, or the employee of a
34 contractor who is under contract to provide services in such facility or
35 sanctions house and the person with whom the offender is engaging in
36 consensual sexual intercourse, lewd fondling or touching, or sodomy is a

1 age or older who is a student enrolled at the school where the offender is
2 employed. If the offender is the parent of the student, the provisions of
3 ~~subsection (b) of K.S.A. 2017 Supp. 21-5604(b), and amendments thereto,~~
4 shall apply, not this subsection;

5 (10) the offender is a court services officer or the employee of a
6 contractor who is under contract to provide supervision services for
7 persons under court services supervision and the person with whom the
8 offender is engaging in consensual sexual intercourse, lewd fondling or
9 touching, or sodomy is a person 16 years of age or older who has been
10 placed on probation under the supervision and control of court services
11 and the offender has knowledge that the person with whom the offender is
12 engaging in consensual sexual intercourse, lewd fondling or touching, or
13 sodomy is currently under the supervision of court services;

14 (11) the offender is a community correctional services officer or the
15 employee of a contractor who is under contract to provide supervision
16 services for persons under community corrections supervision and the
17 person with whom the offender is engaging in consensual sexual
18 intercourse, lewd fondling or touching, or sodomy is a person 16 years of
19 age or older who has been assigned to a community correctional services
20 program under the supervision and control of community corrections and
21 the offender has knowledge that the person with whom the offender is
22 engaging in consensual sexual intercourse, lewd fondling or touching, or
23 sodomy is currently under the supervision of community corrections; ~~or~~

24 (12) the offender is a surety or an employee of a surety and the person
25 with whom the offender is engaging in consensual sexual intercourse, lewd
26 fondling or touching, or sodomy is a person 16 years of age or older who
27 is the subject of a surety or bail bond agreement with such surety and the
28 offender has knowledge that the person with whom the offender is
29 engaging in consensual sexual intercourse, lewd fondling or touching, or
30 sodomy is the subject of a surety or bail bond agreement with such surety;
31 or

32 (13) ~~the offender is a law enforcement officer and the person with
33 whom the offender is engaging in consensual sexual intercourse, lewd
34 fondling or touching, or sodomy is a person 16 years of age or older who
35 is interacting with such law enforcement officer during the course of such
36 law-enforcement-officer's duties, including, but not limited to, a custodial
37 interrogation as defined in K.S.A. 2017 Supp. 22-1620, and amendments
38 thereto, and the offender has knowledge that the person with whom the
39 offender is engaging in consensual sexual intercourse, lewd fondling or
40 touching or sodomy is interacting with such law-enforcement-officer
41 during the course of such law-enforcement-officer's duties.~~

a traffic stop, a custodial interrogation,
an interview in connection with an
investigation, or while the law
enforcement officer has such person
detained

strike

42 (b) Unlawful sexual relations as defined in:
43 (1) Subsection (a)(5) is a severity level 4, person felony; and