

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2270

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2270 would remove from the crime of unlawful voluntary sexual relations the requirement that the child and the offender be members of the opposite sex.

Background

Unlawful voluntary sexual relations is commonly referred to as the “Romeo and Juliet” statute and prohibits certain voluntary sexual conduct under specified circumstances between a child 14 or 15 years of age and an offender who is under 19 years of age and is less than four years older than the child.

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Equality Kansas. In the House Committee hearing, a representative of the American Civil Liberties Union of Kansas testified in support of the bill, stating the provision the bill would eliminate was held to be unconstitutional by the Kansas Supreme Court in *State v. Limon*, 280 Kan. 275 (2005), following the United States Supreme Court’s decision in *Lawrence v. Texas*, 539 U.S. 558, 123 S. Ct. 2472, 156 L. Ed. 2d 508 (2003). No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could have a fiscal effect on

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the operations of the court system, but it is not possible to provide an estimate. The fiscal effect would likely be negligible and able to be accommodated within existing budget resources.

The Kansas Sentencing Commission indicates enactment of the bill could affect prison admissions and bed space, but the Commission cannot estimate an effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.