



TESTIMONY OF MIKE FONKERT  
JUST CAMPAIGN DIRECTOR  
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE

HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE  
**IN SUPPORT OF HB 2473**  
FEBRUARY 4, 2020

Members of the House Committee on Corrections and Juvenile Justice:

My name is Mike Fonkert; I am the Just Campaign Director for the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

**Kansas Appleseed supports HB 2473.**

HB 2473 corrects a clear defect in current law that allows for unequal treatment of unlawful voluntary sexual relations based on whether those engaging in the conduct are of the same or different sex. The criminal justice system already has a “propensity to overcharge youth that engage in same-sex conduct compared to their heterosexual counterparts.”<sup>1</sup> Changing the law so that it no longer formally discriminates against youth based on no other reason than the gender of those involved in a sexual relationship is a positive step.

HB 2473 also recognizes to some extent the continuum of potential coercion in consensual juvenile sexual relationships by limiting penalties for those closer in age, and stepping down penalties overall. This is more in line with the research and the recent legal trend to focus on “the prevention of potentially exploitative sexual relations, with age disparity functioning as a workable if imperfect proxy of inequality and thus coercion.”<sup>2</sup>

Because this bill removes the overt discrimination that currently exists in the law, and steps down the penalties for consensual juvenile sexual relations in cases where the actors are closer in age, Kansas Appleseed supports HB 2473.

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<sup>1</sup> Valentino, A. “Part 2: LGBTQ Youth in the Juvenile Justice System.” American Bar Association. 2011.

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2011/part-2-lgbtq-youth-juvenile-justice-system/>

<sup>2</sup> High, A. “Good, Bad and Wrongful Juvenile Sex: Rethinking the Use of Statutory Rape Laws Against the Protected Class.” Arkansas Law Review. 2016. <https://scholarworks.uark.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1009&context=alr>