

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 279** be amended on page 2, in line 12, after "and" by inserting ":

(A)";

In line 13, after "is" by inserting "a person"; in line 14, by striking "and" and inserting "who has been"; in line 15, by striking "(A)" and inserting "(i)"; in line 18, by striking "(B)" and inserting "(ii)"; in line 20, by striking "and" and inserting ";

(B)";

In line 27, before "to" by inserting "in a social and rehabilitation services institution or"; in line 29, by striking all after the comma; in line 30, by striking all before "lewd"; in line 31, by striking all after "sodomy"; in line 32, by striking all before "is"; in line 33, by striking "in the custody of the department" and inserting "a patient in such institution or in the custody of the secretary"; in line 35, by striking all after "(8)"; by striking all in lines 36 through 42 and inserting:

"the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home;"

On page 3, in line 2, by striking all after the comma; by striking all in lines 3 through 8; in line 9, by striking "amendments thereto," and inserting "lewd fondling or touching, or sodomy is a person 16 years of age or older who"; following line 35, by inserting:

"(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual

intercourse which would constitute a violation of K.S.A. 2011 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2011 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, the provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, shall apply, not this section.

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Chairperson