

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 279

As Amended by Senate Committee on Judiciary

Brief*

SB 279 would amend KSA 2011 Supp. 21-5512, which defines the crime of unlawful sexual relations. This crime occurs when the defendant engages in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender in certain situations assigned.

Currently, one such provision prohibits the targeted behavior by an employee of the Department of Social and Rehabilitation Services (SRS) or by the employee of a contractor providing services to an SRS institution, when such behavior is directed toward a person 16 years of age or older who is a patient in such institution. The bill would broaden this subsection by adding language applying the prohibition to the employee of any SRS contractor, when the behavior is directed toward a person 16 years of age or older who is a patient in an SRS institution or is in the custody of the SRS.

The bill would add a subsection prohibiting such behavior by a worker, volunteer, or other person in a position of authority in a family foster home licensed by the Department of Health and Environment, when such behavior is directed toward a person 16 years of age or older who is a foster child in the care of such family foster home.

The bill would clarify that the term "teacher," as used in the statute, includes coaches. Finally, the bill would reorganize some sections of the statute to improve the

*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>

statute's overall clarity.

Background

SB 279 was introduced by the Senate Judiciary Committee at the request of Attorney General Derek Schmidt. In the Senate Judiciary Committee, a representative of the Attorney General and the Kansas Bureau of Investigation spoke in support of the bill. The Committee amended the bill to clarify language and organization of the statute, and to apply the new subsection to volunteers, generally, rather than to "regular" volunteers. The Committee recommended the bill be passed as amended.

The fiscal note on the bill states the Division of the Budget is currently awaiting a response from agencies or organizations affected by the bill. The fiscal note will be completed and submitted once the Division receives the necessary information.

The bed impact statement on the bill indicates the bill would result in: one to two additional prison admissions each year; one to two additional prison beds needed by the end of FY 2013; two to five additional prison beds needed by the end of FY 2022; and two to four additional journal entries each year.