AN ACT concerning crimes, punishment and criminal procedure; relating
to sex offenses; lewd and lascivious behavior penalties; amending
K.S.A. 2018 Supp. 21-5513 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 21-5513 is hereby amended to read as
follows: 21-5513. (a) Lewd and lascivious behavior is:

1. Publicly engaging in otherwise lawful sexual intercourse or
   sodomy with knowledge or reasonable anticipation that the participants are
   being viewed by others; or

2. Publicly exposing a sex organ or exposing a sex organ in the
   presence of a person who is not the spouse of the offender and who has not
   consented thereto, with intent to arouse or gratify the sexual desires of the
   offender or another.

(b) Lewd and lascivious behavior is a as defined in:

1. Class B nonperson misdemeanor; subsection (a)(1), if committed
   in the presence of a person 16 or more years of age, is a class B nonperson
   misdemeanor; and

2. Subsection (a)(2), if committed in the presence of a person 16 or
   more years of age, is a severity level 10, person felony; and

3. Severity level 9, person felony; subsection (a)(1) or (a)(2), if
   committed in the presence of a person under 16 years of age, is a severity
   level 9, person felony.

Sec. 2. K.S.A. 2018 Supp. 21-5513 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.