

STATE OF KANSAS

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SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 208**, as amended by Senate Committee, on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 35; following line 35 by inserting:

"Section 1. (a) Unauthorized disclosure of a child's sexual orientation or gender identity is disclosing, with no requirement of a culpable mental state, the sexual orientation or gender identity of a child under the age of 18 without the written or verbal consent of such child or such child's parent or legal guardian by a person who is in a position of trust with respect to such child.

(b) Aggravated unauthorized disclosure of a child's sexual orientation or gender identity is disclosing the sexual orientation or gender identity of a child under the age of 18 without the written or verbal consent of such child or such child's parent or legal guardian by a person who is in a position of trust with respect to such child with the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm on such child.

(c) (1) Unauthorized disclosure of a child's sexual orientation or gender identity is a class A person misdemeanor.

(2) Aggravated unauthorized disclosure of a child's sexual orientation or gender identity is a severity level 9, person felony.

(d) It shall not be violation of this section if the person who makes the unauthorized disclosure is under the age of 18 or is an immediate family member of the child.

(e) Any person working with a child who is in the custody of the secretary of the Kansas department for children and families, including any employee, agent or contractor of the department, and any person or agency who is by law liable to maintain, care for or support the child shall not be considered a legal guardian of such child for the purposes of providing written or verbal consent to disclosure of such child's sexual orientation or gender identity.

(f) As used in this section:

(1) "Custody" means the status, whether temporary, protective or legal, created by a court order or statute that vests in a custodian, whether an individual or agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions imposed by the court;

(2) "gender identity" means the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual that do not correspond to such individual's designated sex at birth;

(3) "immediate family member" means the father, mother, stepparent, child, stepchild, sibling or grandparent of the child;

(4) "person who is in a position of trust" means:

(A) Any individual described in K.S.A. 2020 Supp. 38-2223(a)(1), and amendments thereto;

(B) any person who works with a child in the custody of the secretary of the Kansas department for children and families, including any employee, agent or contractor of the department, and any person or agency who is by law liable to maintain, care for or support the child; and

(C) any other individual who is in a position of authority with respect to the child; and

(5) "sexual orientation" means actual, or perceived, homosexuality or bisexuality by

inclination, practice or expression.

(g) This section shall be a part of and supplemental to the Kansas criminal code.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "crimes, punishment and criminal procedure; creating the crime of unauthorized disclosure of a child's sexual orientation or gender identity"

Senator \_\_\_\_\_