

HOUSE BILL No. 2132

By Committee on Corrections and Juvenile Justice

2-4

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 K.S.A. 2018 Supp. 21-5513 is hereby repealed.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