

**SENATE BILL No. 279**

By Committee on Judiciary

1-12

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to unlawful sexual relations; amending K.S.A. 2011 Supp. 21-5512 and  
3 repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 21-5512 is hereby amended to read as  
7 follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual  
8 sexual intercourse, lewd fondling or touching, or sodomy with a person  
9 who is not married to the offender if:

10 (1) The offender is an employee or volunteer of the department of  
11 corrections, or the employee or volunteer of a contractor who is under  
12 contract to provide services for a correctional institution, and the person  
13 with whom the offender is engaging in consensual sexual intercourse, lewd  
14 fondling or touching, or sodomy is a person 16 years of age or older who  
15 is an inmate;

16 (2) the offender is a parole officer, volunteer for the department of  
17 corrections or the employee or volunteer of a contractor who is under  
18 contract to provide supervision services for persons on parole, conditional  
19 release or postrelease supervision and the person with whom the offender  
20 is engaging in consensual sexual intercourse, lewd fondling or touching, or  
21 sodomy is a person 16 years of age or older who is an inmate who has  
22 been released on parole, conditional release or postrelease supervision and  
23 the offender has knowledge that the person with whom the offender is  
24 engaging in consensual sexual intercourse, lewd fondling or touching, or  
25 sodomy is an inmate who has been released and is currently on parole,  
26 conditional release or postrelease supervision;

27 (3) the offender is a law enforcement officer, an employee of a jail, or  
28 the employee of a contractor who is under contract to provide services in a  
29 jail and the person with whom the offender is engaging in consensual  
30 sexual intercourse, lewd fondling or touching, or sodomy is a person 16  
31 years of age or older who is confined to such jail;

32 (4) the offender is a law enforcement officer, an employee of a  
33 juvenile detention facility or sanctions house, or the employee of a  
34 contractor who is under contract to provide services in such facility or  
35 sanctions house and the person with whom the offender is engaging in  
36 consensual sexual intercourse, lewd fondling or touching, or sodomy is a

1 person 16 years of age or older who is confined to such facility or  
2 sanctions house;

3 (5) the offender is an employee of the juvenile justice authority or the  
4 employee of a contractor who is under contract to provide services in a  
5 juvenile correctional facility and the person with whom the offender is  
6 engaging in consensual sexual intercourse, lewd fondling or touching, or  
7 sodomy is a person 16 years of age or older who is confined to such  
8 facility;

9 (6) the offender is an employee of the juvenile justice authority or the  
10 employee of a contractor who is under contract to provide direct  
11 supervision and offender control services to the juvenile justice authority  
12 and the person with whom the offender is engaging in consensual sexual  
13 intercourse, lewd fondling or touching, or sodomy is 16 years of age or  
14 older and:

15 (A) Released on conditional release from a juvenile correctional  
16 facility under the supervision and control of the juvenile justice authority  
17 or juvenile community supervision agency; or

18 (B) placed in the custody of the juvenile justice authority under the  
19 supervision and control of the juvenile justice authority or juvenile  
20 community supervision agency and the offender has knowledge that the  
21 person with whom the offender is engaging in consensual sexual  
22 intercourse, lewd fondling or touching, or sodomy is currently under  
23 supervision;

24 (7) the offender is an employee of the department of social and  
25 rehabilitation services or the employee of a contractor who is under  
26 contract to provide services ~~in a social and rehabilitation services~~  
27 ~~institution to the department of social and rehabilitation services~~ and the  
28 person with whom the offender is engaging in consensual sexual  
29 intercourse, not otherwise subject to subsection (a)(2) of K.S.A. 2011  
30 Supp. 21-5503, and amendments thereto, lewd fondling or touching, or  
31 sodomy, not otherwise subject to subsection (b)(3)(C) of K.S.A. 2011  
32 Supp. 21-5504, and amendments thereto, is a person 16 years of age or  
33 older who is ~~a patient in such institution~~ *in the custody of the department*  
34 *of social and rehabilitation services*;

35 (8) *the offender is a person living, working or regularly volunteering*  
36 *in a family foster home licensed by the department of health and*  
37 *environment and the person with whom the offender is engaging in*  
38 *consensual sexual intercourse, not otherwise subject to subsection (a)(2)*  
39 *of K.S.A. 2011 Supp. 21-5503, and amendments thereto, lewd fondling or*  
40 *touching, or sodomy, not otherwise subject to subsection (b)(3)(C) of*  
41 *K.S.A. 2011 Supp. 21-5504, and amendments thereto, is a person 16 years*  
42 *of age or older who is a foster child in the care of such family foster home;*

43 (8) (9) the offender is a teacher or a *other* person in a position of

1 authority and the person with whom the offender is engaging in consensual  
 2 sexual intercourse, not otherwise subject to subsection (a)(3) of K.S.A.  
 3 2011 Supp. 21-5503, or subsection (b)(1) of K.S.A. 2011 Supp. 21-5506,  
 4 and amendments thereto, lewd fondling or touching, not otherwise subject  
 5 to subsection (a) of K.S.A. 2011 Supp. 21-5506, or subsection (b)(2) or (b)  
 6 (3) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, or sodomy,  
 7 not otherwise subject to subsection (a) of K.S.A. 2011 Supp. 21-5504, or  
 8 subsection (b)(1) or (b)(2) of K.S.A. 2011 Supp. 21-5504, and  
 9 amendments thereto, is a student enrolled at the school where the offender  
 10 is employed. If the offender is the parent of the student, the provisions of  
 11 subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments thereto,  
 12 shall apply, not this subsection;

13 ~~(9)~~ (10) the offender is a court services officer or the employee of a  
 14 contractor who is under contract to provide supervision services for  
 15 persons under court services supervision and the person with whom the  
 16 offender is engaging in consensual sexual intercourse, lewd fondling or  
 17 touching, or sodomy is a person 16 years of age or older who has been  
 18 placed on probation under the supervision and control of court services  
 19 and the offender has knowledge that the person with whom the offender is  
 20 engaging in consensual sexual intercourse, lewd fondling or touching, or  
 21 sodomy is currently under the supervision of court services; or

22 ~~(10)~~ (11) the offender is a community correctional services officer or  
 23 the employee of a contractor who is under contract to provide supervision  
 24 services for persons under community corrections supervision and the  
 25 person with whom the offender is engaging in consensual sexual  
 26 intercourse, lewd fondling or touching, or sodomy is a person 16 years of  
 27 age or older who has been assigned to a community correctional services  
 28 program under the supervision and control of community corrections and  
 29 the offender has knowledge that the person with whom the offender is  
 30 engaging in consensual sexual intercourse, lewd fondling or touching, or  
 31 sodomy is currently under the supervision of community corrections.

32 (b) Unlawful sexual relations as defined in:

33 (1) Subsection (a)(5) is a severity level 4, person felony; and  
 34 (2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9),  
 35 ~~or~~ (a)(10) or (a)(11) is a severity level 5, person felony.

36 (c) As used in this section:

37 (1) "Correctional institution" means the same as in K.S.A. 75-5202,  
 38 and amendments thereto;

39 (2) "inmate" means the same as in K.S.A. 75-5202, and amendments  
 40 thereto;

41 (3) "parole officer" means the same as in K.S.A. 75-5202, and  
 42 amendments thereto;

43 (4) "postrelease supervision" means the same as in K.S.A. 2011 Supp.

1 21-6803, and amendments thereto;

2 (5) "juvenile detention facility" means the same as in K.S.A. 2011  
3 Supp. 38-2302, and amendments thereto;

4 (6) "juvenile correctional facility" means the same as in K.S.A. 2011  
5 Supp. 38-2302, and amendments thereto;

6 (7) "sanctions house" means the same as in K.S.A. 2011 Supp. 38-  
7 2302, and amendments thereto;

8 (8) "institution" means the same as in K.S.A. 76-12a01, and  
9 amendments thereto;

10 (9) "teacher" means and includes teachers, *coaches*, supervisors,  
11 principals, superintendents and any other professional employee in any  
12 public or private school offering any of grades kindergarten through 12;

13 (10) "community corrections" means the entity responsible for  
14 supervising adults and juvenile offenders for confinement, detention, care  
15 or treatment, subject to conditions imposed by the court pursuant to the  
16 community corrections act, K.S.A. 75-5290, and amendments thereto, and  
17 the revised Kansas juvenile justice code, K.S.A. 2011 Supp. 38-2301 *et*  
18 *seq.*, and amendments thereto;

19 (11) "court services" means the entity appointed by the district court  
20 that is responsible for supervising adults and juveniles placed on probation  
21 and misdemeanants placed on parole by district courts of this state; and

22 (12) "juvenile community supervision agency" means an entity that  
23 receives grants for the purpose of providing direct supervision to juveniles  
24 in the custody of the juvenile justice authority.

25 Sec. 2. K.S.A. 2011 Supp. 21-5512 is hereby repealed.

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

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