AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; amending K.S.A. 2011 Supp. 21-5512 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2011 Supp. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:
(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;
(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;
(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;
(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a
person 16 years of age or older who is confined to such facility or sanctions house;
(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;
(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is 16 years of age or older and:
(A) Released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency; or
(B) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;
(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution to the department of social and rehabilitation services and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(2) of K.S.A. 2011 Supp. 21-5503, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (b)(3)(C) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, is a person 16 years of age or older who is a patient in such institution in the custody of the department of social and rehabilitation services;
(8) the offender is a person living, working or regularly volunteering in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(2) of K.S.A. 2011 Supp. 21-5503, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (b)(3)(C) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, is a person 16 years of age or older who is a foster child in the care of such family foster home;
(8) (9) the offender is a teacher or other person in a position of
authority and the person with whom the offender is engaging in consensual
sexual intercourse, not otherwise subject to subsection (a)(3) of K.S.A.
2011 Supp. 21-5503, or subsection (b)(1) of K.S.A. 2011 Supp. 21-5506,
and amendments thereto, lewd fondling or touching, not otherwise subject
to subsection (a) of K.S.A. 2011 Supp. 21-5506, or subsection (b)(2) or (b)
(3) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, or sodomy,
not otherwise subject to subsection (a) of K.S.A. 2011 Supp. 21-5504, or
subsection (b)(1) or (b)(2) of K.S.A. 2011 Supp. 21-5504, and
amendments thereto, is a student enrolled at the school where the offender
is employed. If the offender is the parent of the student, the provisions of
subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments thereto,
shall apply, not this subsection;
(9) (10) the offender is a court services officer or the employee of a
contractor who is under contract to provide supervision services for
persons under court services supervision and the person with whom the
offender is engaging in consensual sexual intercourse, lewd fondling or
touching, or sodomy is a person 16 years of age or older who has been
placed on probation under the supervision and control of court services
and the offender has knowledge that the person with whom the offender is
engaging in consensual sexual intercourse, lewd fondling or touching, or
sodomy is currently under the supervision of court services; or
(10) (11) the offender is a community correctional services officer or
the employee of a contractor who is under contract to provide supervision
services for persons under community corrections supervision and the
person with whom the offender is engaging in consensual sexual
intercourse, lewd fondling or touching, or sodomy is a person 16 years of
age or older who has been assigned to a community correctional services
program under the supervision and control of community corrections and
the offender has knowledge that the person with whom the offender is
engaging in consensual sexual intercourse, lewd fondling or touching, or
sodomy is currently under the supervision of community corrections.
(b) Unlawful sexual relations as defined in:
(1) Subsection (a)(5) is a severity level 4, person felony; and
(2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9),
or (a)(10) or (a)(11) is a severity level 5, person felony.
(c) As used in this section:
(1) "Correctional institution" means the same as in K.S.A. 75-5202,
and amendments thereto;
(2) "inmate" means the same as in K.S.A. 75-5202, and amendments
thereto;
(3) "parole officer" means the same as in K.S.A. 75-5202, and
amendments thereto;
(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.