

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 60

As Recommended by Senate Committee on
Judiciary

Brief*

SB 60 would amend KSA 22-3601 to remove cases involving certain off-grid offenses from the list of appeals that are to be taken directly to the Kansas Supreme Court, rather than to the Court of Appeals. The offenses are:

- Aggravated human trafficking, when the offender is 18 years of age or older and the victim is less than 14 years of age;
- Rape, when the offender is 18 years of age or older and the victim under 14 years of age;
- Aggravated criminal sodomy, when the offender is 18 years of age or older and the victim is under 14 years of age;
- Aggravated indecent liberties with a child, when the offender is 18 years of age or older and the victim is under 14 years of age;
- Sexual exploitation of a child, when the offender is 18 years of age or older and the child is under 14 years of age;
- Promoting prostitution, when the offender is 18 years of age or older and the prostitute is less than 14 years of age; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- An attempt, conspiracy or criminal solicitation of any of the above offenses.

Background

The Kansas Supreme Court requested the Senate Judiciary Committee introduce SB 60. The offenses referred to in the bill were made off-grid crimes by 2006 HB 2576 as part of what is commonly referred to as “Jessica's Law.”

In the Senate Judiciary Committee, a representative of the Kansas Supreme Court appeared in support of SB 60, stating the Supreme Court has heard more than 30 cases involving Jessica's Law. The conferee stated the large number of Jessica's Law cases is now delaying other important cases before the Supreme Court, even though most of the novel legal issues have been settled in previous cases. The Supreme Court therefore wants the Court of Appeals to be able to hear cases involving Jessica's Law. No opponents provided testimony. The Committee made no changes to the bill and recommended it be passed.

The fiscal note on the bill states the bill would have no fiscal effect on the Judicial Branch.