

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2002

As Amended by House Committee on Judiciary

Brief*

HB 2002 would amend the crime of sexual exploitation of a child. Specifically, the bill would amend the intent required for the crime so as to be consistent throughout. The standard would be the intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person. The bill also would remove similar language in the subsections outlining and defining the elements of the crime. Further, the bill would amend the definition of “sexually explicit conduct” to include “appearance in the nude, with or without the knowledge of the child” and add punctuation to clarify the definition of “performance.”

Background

In the House Judiciary Committee, representatives of the Attorney General, Leavenworth County Attorney, Douglas County District Attorney, and the Lawrence and Olathe police departments offered testimony in support of the bill. The prosecutors and law enforcement officers explained the addition of “appearance in the nude” would allow for criminal prosecution when the victims are filmed or photographed without their knowledge, whereas “exhibition” generally means to be on display purposefully.

The House Committee adopted amendments based on amendments proposed by the Attorney General’s Office. The amendments would apply the same intent standard for each means of committing the crime of sexual exploitation of a

*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>

child; remove “for pecuniary profit” from the definition of “promoting”; in the definition of “sexually explicit conduct,” retain “exhibition in the nude” and replace “victim” with “child”; and add punctuation to clarify the definition of “performance.”

The fiscal note prepared by the Division of the Budget indicates the expanded definition of the crime may increase trials and requests for appeals; however, it is not possible to predict the number of additional cases or how complex and time consuming they would be. Consequently, the impact on the Office of Judicial Administration cannot be determined. The Kansas Sentencing Commission states the bill would have no effect on prison admissions, prison beds, or the workload of the agency.