

Senate Substitute for HOUSE BILL No. 2016

By Committee on Judiciary

3-15

9 AN ACT concerning offenses against children; relating to enhancing pen-
10 alties; amending K.S.A. 21-3510 and 21-3511 and K.S.A. 2004 Supp.
11 21-3516 and repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 21-3510 is hereby amended to read as follows: 21-

15 3510. (a) Indecent solicitation of a child is:

16 (1) Enticing or soliciting a child 14 or more years of age but less than
17 16 years of age to commit or to submit to an unlawful sexual act; or

18 (2) inviting, persuading or attempting to persuade a child 14 or more
19 years of age but less than 16 years of age to enter any vehicle, building,
20 room or secluded place with intent to commit an unlawful sexual act upon
21 or with the child.

22 (b) Indecent solicitation of a child is a severity level ~~7~~6, person felony.

23 Sec. 2. K.S.A. 21-3511 is hereby amended to read as follows: 21-

24 3511. Aggravated indecent solicitation of a child is:

25 (a) Enticing or soliciting a child under the age of 14 years to commit
26 or to submit to an unlawful sexual act; or

27 (b) inviting, persuading or attempting to persuade a child under the
28 age of 14 years to enter any vehicle, building, room or secluded place
29 with intent to commit an unlawful sexual act upon or with the child.

30 Aggravated indecent solicitation of a child is a severity level ~~6~~5, person
31 felony.

32 Sec. 3. K.S.A. 2004 Supp. 21-3516 is hereby amended to read as
33 follows: 21-3516. (a) Sexual exploitation of a child is:

34 (1) Employing, using, persuading, inducing, enticing or coercing a
35 child under 18 years of age to engage in sexually explicit conduct for the
36 purpose of promoting any performance;

37 (2) possessing any ~~film, photograph, negative, slide, book, magazine~~
38 ~~or other printed or visual medium or any audio tape recording or any~~
39 ~~photocopy, video tape, video laser disk, computer hardware, software,~~
40 ~~floppy disk or any other computer related equipment or computer gen-~~
41 ~~erated image that contains or incorporates in any manner any film, pho-~~
42 ~~tograph, negative, photocopy, video tape or video laser disk in which a~~
43 ~~visual depiction~~ *visual depiction, including any photograph, film, video*

- 1 *picture, digital or computer generated image or picture, whether made*
2 *or produced by electronic, mechanical or other means, where such visual*
3 *depiction of a child under 18 years of age is shown or heard engaging in*
4 *sexually explicit conduct with intent to arouse or satisfy the sexual desires*
5 *or appeal to the prurient interest of the offender, the child or another;*
6 (3) being a parent, guardian or other person having custody or control
7 of a child under 18 years of age and knowingly permitting such child to
8 engage in, or assist another to engage in, sexually explicit conduct for any
9 purpose described in subsection (a)(1) or (2); or
10 (4) promoting any performance that includes sexually explicit conduct
11 by a child under 18 years of age, knowing the character and content of
12 the performance.
13 (b) As used in this section:
14 (1) "Sexually explicit conduct" means actual or simulated: Exhibition
15 in the nude; sexual intercourse or sodomy, including genital-genital, oral-
16 genital, anal-genital or oral-anal contact, whether between persons of the
17 same or opposite sex; masturbation; sado-masochistic abuse for the pur-
18 pose of sexual stimulation; or lewd exhibition of the genitals, female
19 breasts or pubic area of any person.
20 (2) "Promoting" means procuring, selling, providing, lending, mail-
21 ing, delivering, transferring, transmitting, distributing, circulating, dis-
22 seminating, presenting, producing, directing, manufacturing, issuing,
23 publishing, displaying, exhibiting or advertising:
24 (A) For pecuniary profit; or
25 (B) with intent to arouse or gratify the sexual desire or appeal to the
26 prurient interest of the offender, the child or another.
27 (3) "Performance" means any film, photograph, negative, slide, book,
28 magazine or other printed or visual medium, any audio tape recording or
29 any photocopy, video tape, video laser disk, computer hardware, software,
30 floppy disk or any other computer related equipment or computer gen-
31 erated image that contains or incorporates in any manner any film, pho-
32 tograph, negative, photocopy, video tape or video laser disk or any play
33 or other live presentation.
34 (4) "Nude" means any state of undress in which the human genitals,
35 pubic region, buttock or female breast, at a point below the top of the
36 areola, is less than completely and opaquely covered.
37 (c) Sexual exploitation of a child is a severity level 5, person felony.
38 (d) This section shall be part of and supplemental to the Kansas crim-
39 inal code.
40 Sec. 4. K.S.A. 21-3510 and 21-3511 and K.S.A. 2004 Supp. 21-3516
41 are hereby repealed.
42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.