

HOUSE BILL No. 2205

By Committee on Federal and State Affairs

1-25

9 AN ACT concerning crimes, punishment and criminal procedure; relat-
10 ing to prostitution; testing for infectious diseases; amending K.S.A. 21-
11 3512 and repealing the existing section.
12

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

14 New Section 1. (a) Any adult arrested or charged or juvenile placed
15 in custody for or charged with the commission or attempted commission
16 of prostitution, K.S.A. 21-3512, and amendments thereto, shall be re-
17 quired to submit to infectious disease tests at the same time such person
18 is fingerprinted pursuant to the booking procedure if the arresting officer
19 has reasonable suspicion to believe such person is infected with or has an
20 infectious disease. The results of any test obtained under this section shall
21 be admissible in any criminal proceeding.

22 (b) The results of any infectious disease test required under subsec-
23 tion (a) shall be disclosed to the law enforcement officer making such
24 arrest, the district attorney, the person arrested, such arrested person's
25 defense counsel and such other persons as the court determines have a
26 legitimate need to know the test result in order to provide for their pro-
27 tection. If an infectious disease test ordered under this section results in
28 a positive reaction, the results shall be reported to the secretary of health
29 and environment and to the secretary of corrections, if such person is
30 convicted.

31 (c) As used in this section:

32 (1) "HIV" means the human immunodeficiency virus.

33 (2) "Infectious disease" includes HIV and hepatitis B.

34 (3) "Infectious disease tests" means tests approved by the secretary
35 of health and environment for detection of infectious diseases pursuant
36 to K.S.A. 65-6001 et seq., and amendments thereto.

37 Sec. 2. K.S.A. 21-3512 is hereby amended to read as follows: 21-
38 3512. (a) Prostitution is performing for hire, or offering or agreeing to
39 perform for hire where there is an exchange of value, any of the following
40 acts:

41 (1) Sexual intercourse;

42 (2) sodomy; or

43 (3) manual or other bodily contact stimulation of the genitals of any

1 person with the intent to arouse or gratify the sexual desires of the of-
2 fender or another.

3 (b) *Except as provided further*, prostitution is a class B nonperson
4 misdemeanor. *Prostitution, when the offender knows such offender has*
5 *an infectious disease, is a severity level 10, person felony.*

6 (c) *As used in this section:*

7 (1) *“HIV” means the human immunodeficiency virus.*

8 (2) *“Infectious disease” includes HIV and hepatitis B.*

9 Sec. 3. K.S.A. 21-3512 is hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.