

## HOUSE BILL No. 2490

By Committee on Federal and State Affairs

2-9

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9 AN ACT concerning crimes and punishment; amending K.S.A. 21-3603  
10 and repealing the existing section.

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

13 Section 1. K.S.A. 21-3603 is hereby amended to read as follows: 21-  
14 3603. (a) Aggravated incest is: (1) Marriage to a person who is under 18  
15 years of age and who is known to the offender to be related to the offender  
16 as any of the following biological, step or adoptive relatives: Child, grand-  
17 child of any degree, brother, sister, half-brother, half-sister, uncle, aunt,  
18 nephew or niece; or

19 (2) engaging in: (A) Otherwise lawful sexual intercourse or sodomy  
20 as defined by K.S.A. 21-3501 and amendments thereto; or (B) any lewd  
21 fondling, as described in subsection (a)(1) of K.S.A. 21-3503 and amend-  
22 ments thereto, with a person who is ~~16 or more years of age but~~ under  
23 18 years of age and who is known to the offender to be related to the  
24 offender as any of the following biological, step or adoptive relatives:  
25 Child, grandchild of any degree, brother, sister, half-brother, half-sister,  
26 uncle, aunt, nephew or niece.

27 (b) Aggravated incest as described in ~~subsection~~ *subsections* (a)(2)(A)  
28 *and (a)(2)(B)* is a severity level ~~5~~ *1*, person felony. Aggravated incest as  
29 described in ~~subsections~~ *subsection* (a)(1) ~~and (a)(2)(B)~~ is a severity level  
30 7, person felony.

31 Sec. 2. K.S.A. 21-3603 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.