

## MEMORANDUM

**To:** Kansas Sentencing Commission Workshop  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 7, 2022  
**Re:** Prison Bed Space Impact Assessment, **2020 HB 2473 - Modifying the penalties for sexual contact between certain juveniles and excluding such juveniles from offender registration.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce prison admissions during the forecasting period, but the impact will be negligible.
- **Impact on Prison Bed Space:** This bill would save prison beds during the forecasting period, but the impact will be negligible.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **11 to 16** journal entries each year.

### SUMMARY OF THE BILL

**Section 1.** K.S.A. 2022 Supp 21-5507 is amended to read Unlawful voluntary sexual relations is engaging in any of the following acts with a child who is 10 or more years of age but less than 16 years of age. **The age is amended to 10 years of age from 14 years of age.** In addition, voluntary sodomy is added to voluntary sexual intercourse as a means of committing Unlawful voluntary sexual relations. The amendment adds two age categories i.e. **When the offender is less than 13 years of age; or when the offender is 13 years of age or older but less than 19 years of age and the offender and the child are less than 48 months apart in age.**

Unlawful voluntary sexual relations [Voluntary sexual intercourse or voluntary sodomy] is a Class A person misdemeanor or a severity level 9, person felony if the offender and the child are 24 or more months but less than 48 months apart in age, and the offender is 13 or more years of age. **This is a change from a level 8 person felony.**

Unlawful voluntary sexual relations [voluntary lewd fondling or touching] is a Class A person misdemeanor or a severity level 10, person felony if the offender and the child are 24 or more months but less than 48 months apart in age, and the offender is 13 or more years of age. **This is a change from a level 10 person felony.**

**Section 2.** K.S.A. 2022 Supp. 22-4902 is amended to read that “offender” shall not include any person who is convicted of unlawful voluntary sexual relations, as defined in K.S.A. 2019 Supp. 21-5507, and amendments thereto, or adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute a violation of K.S.A. 2019 Supp. 21-5507, and amendments thereto.

**Section 3.** K.S.A. 2022 Supp. 21-5507 and 22-4902 are hereby repealed.

**Section 4.** This act shall take effect and be in force from and after its publication in the statute book.

## FINDINGS

- In FY 2021, **11** offenders were convicted of the crime unlawful voluntary sexual relations. Of this number:
  - 1 was sentenced to prison and
  - 10 were sentenced to probation.
    - 7 – Severity level 8
    - 1 – Severity level 9
    - 3 – Severity level 10
- In FY 2022, 5 offenders were admitted to KDOC as new court commitment offenders (1 direct new court commitment; 4 probation violators) for the crime of unlawful voluntary sexual relations
  - 4 – Severity level 8.
  - 1 – Severity level 9.

## IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce prison admissions during the forecasting period, but the impact will be small.
- **Impact on Prison Bed Space:** This bill would save prison beds during the forecasting period, but the impact will be small.
- **Impact on the Commission Workload:** This bill will reduce the workload of the Commission by **11 to 16** journal entries each year.