

As Amended by House Committee

Session of 2013

SENATE BILL No. 92

By Senator Smith

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sexually violent crimes; law enforcement reports on the presence of
3 pornographic materials.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) **"Nudity" means the showing, unclothed or with less than a**
8 **fully opaque covering, of the human male or female genitals, pubic**
9 **area, buttocks or female breast below a point immediately above the**
10 **top of the areola.**

11 (2) "Pornographic materials" means:

12 ~~(A) Any obscene material or performance depicting sexual conduct,~~
13 ~~sexual contact or a sexual performance; and~~

14 ~~(B) any visual depiction, including any photograph, film, video,~~
15 ~~picture or computer or computer-generated image or picture, whether~~
16 ~~made or produced by electronic, mechanical or other means, of sexually~~
17 ~~explicit conduct sexual devices or books, magazines, periodicals or~~
18 ~~other printed matter, photographs, films, motion pictures, video~~
19 ~~presentations, computer-generated images or pictures, slides or other~~
20 ~~visual representations, whether made or produced by electronic,~~
21 ~~mechanical or other means, which depict, describe or simulate~~
22 ~~sexually explicit conduct or nudity.~~

23 (3) **"Sexually explicit conduct" means acts of masturbation,**
24 **sexual intercourse, sodomy, sadomasochistic abuse or physical contact**
25 **with a person's clothed or unclothed genitals, pubic area or buttocks**
26 **or with a human female's breast.**

27 ~~(2)~~ (4) "Sexually violent crime" means the same as in K.S.A. 22-
28 4902, and amendments thereto.

29 (b) ~~On and after January 1, 2014, when an adult is arrested or charged~~
30 ~~with the commission or attempted commission of a sexually violent crime,~~
31 ~~a law enforcement officer responding to the scene of the crime shall report~~
32 ~~on the Kansas standard offense report the presence of pornographic~~
33 ~~materials found pursuant to a lawful search:~~

34 ~~(1) At the scene of the crime;~~

35 ~~(2) on the person arrested of the crime;~~

36 ~~(3) at the residence of the person arrested of the crime; and~~

1 ~~(4) in the vehicle of the person arrested of the crime~~ **The Kansas**
2 **bureau of investigation will work with the office of the attorney**
3 **general and with state and local law enforcement to identify a process**
4 **to uniformly report data to the central repository enabling the**
5 **production of a report generated at least annually to identify the total**
6 **number of sexually violent crimes reported and the number of such**
7 **crimes where pornographic materials are seized or documented as**
8 **evidence. This process shall be in place within one year of the**
9 **implementation of a capable central repository system.**

10 (c) Reports of materials found pursuant to the provisions of
11 subsection (b) shall be used for statistical purposes only.

12 (d) ~~On or before January 1, 2014~~ **Upon implementation of a central**
13 **repository system**, the Kansas bureau of investigation shall:

14 (1) Make the necessary changes to the Kansas standard offense report
15 and the Kansas incident based reporting system handbook; and

16 (2) promulgate rules and regulations concerning the training for law
17 enforcement agencies to implement the provisions of this section.

18 (e) Nothing in this section shall be construed to expand the scope of
19 the officer's search.

20 **(f) The provisions of this section are subject to appropriations.**

21 Sec. 2. This act shall take effect and be in force from and after its
22 publication in the statute book.