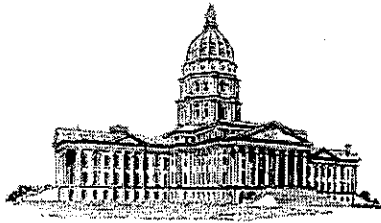


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ABRAHAM RAFIE
48TH DISTRICT

February 15, 2018

Chairman Jennings and members of the committee.

Thank you for this opportunity to hear HB2709. This issue was brought to my attention by a constituent who will be testifying before you today. Lewd and lascivious behavior under Kansas statutes is subdivided in two parts. The first subdivision of lewd and lascivious behavior is defined as:

Publicly engaging in otherwise lawful sexual intercourse or sodomy with knowledge or reasonable anticipation that the participants are being viewed by others.

The second subdivision of the statute defines:

Publicly exposing a sex organ or exposing a sex organ in the presence of a person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.

This bill highlights that the second defined component of lewd and lascivious behavior appears to be of a more serious nature and more likely to be a recurring pattern of behavior. The language of this bill would increase the penalty for the second type of lewd and lascivious behavior from a class B nonperson misdemeanor to a severity level 10 person felony. Thank you very much for considering the merits of this update to our statutes.

A handwritten signature in black ink that reads "Abraham Rafie". The signature is written in a cursive style.

Abraham Rafie
District 48