

HOUSE BILL No. 2073

By Committee on Corrections and Juvenile Justice

Proposed Amendments to HB 2073 - Carmichael
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
February 20, 2019

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sodomy; appeal of departure sentence; liability of defendant for
3 expenses by state board of indigents' defense services; amending
4 K.S.A. 22-4513 and K.S.A. 2018 Supp. 21-5504 and 21-6820 and
5 repealing the existing sections.
6

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

8 Section 1. K.S.A. 2018 Supp. 21-5504 is hereby amended to read as
9 follows: 21-5504. (a) Criminal sodomy is:

10 (1) ~~Sodomy between persons who are 16 or more years of age and~~
11 ~~members of the same sex;~~

strike

12 (2) sodomy between a person and an animal;

13 (3) sodomy with a child who is 14 or more years of age but less than
14 16 years of age; or

15 (4) causing a child 14 or more years of age but less than 16 years of
16 age to engage in sodomy with any person *other than the offender or an*
17 *animal.*

18 (b) Aggravated criminal sodomy is:

19 (1) Sodomy with a child who is under 14 years of age;

20 (2) causing a child under 14 years of age to engage in sodomy with
21 any person *other than the offender* or an animal; or

22 (3) sodomy with a victim who does not consent to the sodomy or
23 causing a victim, without the victim's consent, to engage in sodomy with
24 any person or an animal under any of the following circumstances:

Redesignate paragraphs

25 (A) When the victim is overcome by force or fear;

26 (B) when the victim is unconscious or physically powerless; or

27 (C) when the victim is incapable of giving consent because of mental
28 deficiency or disease, or when the victim is incapable of giving consent
29 because of the effect of any alcoholic liquor, narcotic, drug or other
30 substance, which condition was known by, or was reasonably apparent to,
31 the offender.

32 (c) (1) Criminal sodomy as defined in:

33 (A) Subsection (a)(1) ~~or (a)(2)~~ is a class B nonperson misdemeanor;
34 and

(a)(2) or

35 (B) subsection (a)(3) ~~or (a)(4)~~ is a severity level 3, person felony.

36 (2) Aggravated criminal sodomy as defined in: