



End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt
Executive Director, Equality Kansas
In Support of HB 2473
House Committee on Corrections and Juvenile Justice
February 4, 2020

Good afternoon Mr. Chairman and members of the committee.

I am Thomas Witt, Executive Director of Equality Kansas, which works to eliminate discrimination based on sexual orientation and gender identity. I am here today to speak in support of HB 2473, and I thank you for the opportunity to do so.

Equality Kansas takes a position on only one portion of HB 2473: K.S.A. 2019 Supp. 21-5507(a)(5) on page 1, line 20 of the bill: “when the child and the offender are members of the opposite sex.”

The law in question, commonly referred to as the “Romeo and Juliet” law, defines the crime of “unlawful voluntary sexual relations” and applies specifically to teenagers. As written, teens between 16 and 19 years of age who have sexual contact with other teens between the ages of 14 and 16, and who are of the opposite sex, are guilty of a Level 8 person felony. Those same teens, if they engage with a member of the same sex, are guilty of a Level 3 person felony. The difference in how teens are treated is staggering – over 20 years in prison for LGBT teens vs. a maximum of 23 months for heterosexual teens.

This unequal and unfair treatment has been declared unconstitutional by the US Supreme Court in *Lawrence et al. v. Texas*, 539 U.S. 558 (2003), and by the Kansas Supreme Court in *State v Limon*, 280 Kan. 275, 122 P.3d 22 (2005). I’ll note here that although *Limon* was remanded for resentencing as part of the *Lawrence* decision, the State of Kansas continued to incarcerate Matthew Limon for over two years after he should have been released. In its opinion, the Kansas Supreme Court wrote “the statute's overbreadth ... suggests animus toward teenagers who engage in homosexual sex.”

We aren’t asking for special treatment – we agree that young adults who engage in sexual relations with young teens should face criminal sanctions. All we ask is that LGBT youth are treated fairly and are held to the same standards as their heterosexual peers. We urge you to preserve the portion of this bill that strikes the unconstitutional language and remove this blight from our statute books.

I am happy to stand for questions at the appropriate time.