

## HOUSE BILL No. 2537

By Committee on Judiciary

Requested by Representative Lewis

1-23

AN ACT concerning crimes, punishment and criminal procedure; relating to sexual extortion; requiring the attorney general to prepare and provide educational materials and information concerning such crime; increasing the penalties for such crime when an offender is 18 years of age or older and the victim is less than 18 years of age or a dependent adult; creating the crimes of aggravated sexual extortion causing great bodily harm and aggravated sexual extortion causing death; amending K.S.A. 21-5515 and repealing the existing section.

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

New Section 1. The attorney general shall prepare and provide educational materials and information concerning sexual extortion as defined in K.S.A. 21-5515, and amendments thereto. The attorney general shall collaborate with the state board of education and law enforcement agencies to educate and notify schools, students, parents and guardians and the public about the amendments to K.S.A. 21-5515, and amendments thereto, by this act and the availability of educational materials and information concerning sexual extortion. On or before July 1, 2027, and annually thereafter, the attorney general shall file a report regarding the implementation of this section with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives and the state board of education.

Sec. 2. K.S.A. 21-5515 is hereby amended to read as follows: 21-5515. (a) Sexual extortion is:

(1) Communicating by any means *a demand for anything of value or a threat to injure the property or reputation of a person, commit violence against a person; or distribute an image, video or other recording of a person that is of a sexual nature or depicts*~~such~~ *a person in a state of nudity;*

~~(+)(A)~~ With the intent to coerce~~such~~ *a person to:*

~~(A)(i)~~ Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or

~~(B)(ii)~~ produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature; or

1       ~~(2)(B)~~ that causes ~~such~~ a person to:

2       ~~(A)(i)~~ Engage in sexual contact, sexual intercourse or conduct that is  
3 of a sexual nature; or

4       ~~(B)(ii)~~ produce, provide or distribute an image, video or other  
5 recording of a person in a state of nudity or engaging in conduct that is of  
6 a sexual nature; or

7       (2) *communicating by any means a threat to distribute an image,*  
8 *video or other recording of a person that is of a sexual nature or depicts a*  
9 *person in a state of nudity:*

10       (A) *With the intent to coerce such person to:*

11       (i) *Engage in sexual contact, sexual intercourse or conduct that is of*  
12 *a sexual nature;*

13       (ii) *produce, provide or distribute an image, video or other recording*  
14 *of a person in a state of nudity or engaging in conduct that is of a sexual*  
15 *nature; or*

16       (iii) *produce or provide anything of value; or*

17       (B) *that causes such person to:*

18       (i) *Engage in sexual contact, sexual intercourse or conduct that is of*  
19 *a sexual nature;*

20       (ii) *produce, provide or distribute an image, video or other recording*  
21 *of a person in a state of nudity or engaging in conduct that is of a sexual*  
22 *nature; or*

23       (iii) *produce or provide anything of value.*

24       (b) *Aggravated sexual extortion causing great bodily harm is sexual*  
25 *extortion as defined in subsection (a) resulting in great bodily harm to the*  
26 *victim and the trier of fact finds that the sexual extortion of the victim was*  
27 *the proximate cause of the great bodily harm.*

28       (c) *Aggravated sexual extortion causing death is sexual extortion as*  
29 *defined in subsection (a) resulting in the death of the victim and the trier*  
30 *of fact finds that the sexual extortion of the victim was the proximate cause*  
31 *of the death.*

32       (d) *Sexual extortion as defined in:*

33       (1) *Subsection (a)(1)(A) or (a)(2)(A) is a:*

34       (A) *Severity level 7, person felony, except as provided in subsection*  
35 *(d)(1)(B); and*

36       (B) *severity level 6, person felony when the offender is 18 years of*  
37 *age or older and the victim is:*

38       (i) *Less than 18 years of age; or*

39       (ii) *a dependent adult; and*

40       (2) *subsection ~~(a)(2)~~ (a)(1)(B) or (a)(2)(B) is a:*

41       (A) *Severity level 4, person felony, except as provided in subsection*  
42 *(d)(2)(B); and*

43       (B) *a severity level 3, person felony when the offender is 18 years of*

1 *age or older and the victim is:*

2 *(i) Less than 18 years of age; or*

3 *(ii) a dependent adult.*

4 ~~(e)~~(e) *Aggravated sexual extortion causing great bodily harm is a*  
5 *severity level 3, person felony.*

6 *(f) Aggravated sexual extortion causing death is a severity level 1,*  
7 *person felony.*

8 *(g) It shall not be a defense that the victim contributed to the victim's*  
9 *own great bodily harm or death.*

10 *(h) As used in this section:*

11 *(1) "Dependent adult" means the same as defined in K.S.A. 21-5417,*  
12 *and amendments thereto; and*

13 *(2) "image, video or other recording" includes any image, video or*  
14 *other recording that has been created, in whole or in part, altered or*  
15 *modified by artificial intelligence or any digital means to appear to depict*  
16 *or purport to depict a person, regardless of whether such person was*  
17 *involved in the creation of the original image, video or other recording.*

18 *(i) This section shall be a part of and supplemental to the Kansas*  
19 *criminal code.*

20 Sec. 3. K.S.A. 21-5515 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its  
22 publication in the statute book.