

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2762**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2762 would amend the Kansas Criminal Code statute for the crime of unlawful sexual relations to clarify which persons are in a position of authority for a school. The bill would define necessary terms and make technical amendments.

***Unlawful Sexual Relations***

Under continuing law, the crime of unlawful sexual relations is defined as engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender.

Of the conduct elements that constitute the offense, the bill would amend elements for which the offender is a teacher or other person in position of authority to clarify that such offender holds that position for a school. [*Note:* The offense under this set of elements would continue to be classified as a severity level 5 person felony.]

The bill would define the term “person in a position of authority for a school” to include, but not be limited to a person who is:

- Not a student enrolled at the school;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Delegated authority by the school to interact with students; and
  - A volunteer for the school;
  - Designated or assigned to provide services for the school; or
  - A contractor or an employee of a contractor who is under contract to provide services for the school.

The bill would also define the term “school” to mean any public or private school offering any of the grades kindergarten through 12. [*Note*: These provisions are currently contained in the definition of “teacher”].

The bill would redefine the term “teacher” as part of the amendments that alphabetize the definitions and would reconstitute the definition with language referring to such persons being employed at a school.

### ***Technical Amendments***

The bill would make the following technical amendments:

- Update statutory phrasing;
- Clarify that certain conduct would defer to the provisions of criminal statutes listed in continuing law;
- Alphabetize the definitions section; and
- Make conforming amendments to carry out the provisions of the bill and implement the new definitions.

## **Background**

The bill was introduced by Representative Barrett and Representative Helwig.

## ***House Committee on Judiciary***

In the House Committee meeting, **proponent** testimony was provided by the Undersheriff of Cherokee County who stated the bill was introduced to combat the grooming of victims at a K-12 school because the current statute would not include conduct by a volunteer or other contract person within a school.

Written-only proponent testimony was provided by a representative of the Kansas Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

No other testimony was provided.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Sentencing Commission estimates enactment of the bill would have no effect on prison admissions or the number of prison beds needed. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections and the Board of Indigents' Defense Services indicate that enactment of the bill would have no fiscal effect on agency operations. The Judicial Branch indicates that enactment of the bill would have a negligible fiscal effect on its expenditures and

revenues and that any fiscal effect resulting from the bill's enactment could be absorbed within existing resources.

The Kansas Association of Counties indicates that enactment of the bill has the potential to increase county government expenditures on the investigation and prosecution of unlawful sexual relations; however, a precise fiscal effect could not be determined. Prior to the publication date of the fiscal note, the Division of the Budget had not received a response to the request for fiscal information on the bill from the League of Kansas Municipalities, but if a response is received that includes a fiscal effect, a revised fiscal note would be issued.

Crimes; unlawful sexual relations; person of authority; school; student