

TO HELP EDUCATE AND PROTECT OUR TEENS

We educate our children about the dangers of sexually transmitted diseases, HIV, and AIDS. We teach about abstinence and/or practicing "safe sex". We teach our teenage girls about date rape and our teenage boys about when No means No, but fail to educate them about when YES is NOT an option...

A recent study co-authored by Dr. Brenda Lohman, Assistant Professor, Department of Human Development and Family Studies at the University of Iowa published August 12, 2009 found that "among nearly 1,000 low-income families in three major cities, one in four children between the ages of 11 and 16 reported having sex, with their first sexual intercourse experience occurring at the average age of 12.77". And many teens are now engaging in alternatives to intercourse such as oral or anal sex.

With the introduction of camera cell phones, "sexting" has become popular among teens. Sexting (a portmanteau of sex and texting) is the act of sending sexually explicit messages or photos electronically, primarily between cell phones. Sending or possessing (saved photos on a phone) any nude photo of a person under 18 years of age is considered Sexual Exploitation under law which is a felony offense.

Kansas law defines the age of consent as sixteen (16). Any person engaging in any sex act with a person under 16 is committing a crime that can result in felony charges, imprisonment, and being placed on a sex offender registry.

This pamphlet was designed by the Maize Police Department in hopes of educating our teens about the consequences of engaging in sexual acts or relations at a young age. These crimes are very serious and can ruin a young persons life.

For information on felony sentencing guidelines visit <http://www.sedgwickcounty.org/da>

21-3516. Sexual exploitation of a child. (a) Sexual exploitation of a child is:

- (1) Except as provided in subsection (a)(5), employing, using, persuading, inducing, enticing or coercing a child under 18 years of age to engage in sexually explicit conduct for the purpose of promoting any performance;
 - (2) possessing any visual depiction, including any photograph, film, video picture, digital or computer generated image or picture, whether made or produced by electronic, mechanical or other means, where such visual depiction of a child under 18 years of age is shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender, the child or another;
 - (3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2);
 - (4) except as provided in subsection (a)(6), promoting any performance that includes sexually explicit conduct by a child under 18 years of age, knowing the character and content of the performance;
 - (5) employing, using, persuading, inducing, enticing or coercing a child under 14 years of age to engage in sexually explicit conduct for the purpose of promoting any performance; or promoting any performance that includes sexually explicit conduct by a child under 14 years of age, knowing the character and content of the performance.
- (b) As used in this section:
- (1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse for the purpose of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person.
 - (2) "Promoting" means procuring, selling, providing, lending, mailing, delivering, transferring, transmitting, distributing, circulating, disseminating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:
 - (A) For pecuniary profit; or
 - (B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender, the child or another.
 - (3) "Performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation.
 - (4) "Nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.
- (c) Except as provided further, sexual exploitation of a child is a severity level 5, person felony. Sexual exploitation of a child as described in subsection (a)(5) or (a)(6) when the offender is 18 years of age or older is an off-grid person felony.
- (d) This section shall be part of and supplemental to the Kansas criminal code.

Teens and Sex



When YES Isn't an Option...



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Kansas Laws Pertaining to Underage Sex Acts Involving Minors:

Chapter 21.--CRIMES AND PUNISHMENTS Article 35.--SEX OFFENSES

21-3501. Definitions. The following definitions apply in this article unless a different meaning is plainly required:

- (1) "Sexual intercourse" means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse.
- (2) "Sodomy" means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal.
- (3) "Spouse" means a lawful husband or wife, unless the couple is living apart in separate residences or either spouse has filed an action for annulment, separate maintenance or divorce or for relief under the protection from abuse act.
- (4) "Unlawful sexual act" means any rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as defined in this code.

21-3502. Rape. (a) Rape is:

- (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:
 - (A) When the victim is overcome by force or fear;
 - (B) when the victim is unconscious or physically powerless; or
 - (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
- (2) sexual intercourse with a child who is under 14 years of age;
- (3) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
- (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.

Except as provided further, rape as described in subsection (a) (1) or (2) is a severity level 1, person felony. Rape as described in subsection (a)(2), when the offender is 18 years of age or older, is an off-grid person felony. Rape as described in subsection (a)(3) or (4) is a severity level 2, person felony.

21-3503. Indecent liberties with a child. (a) Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:

- (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
- (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.

Indecent liberties with a child is a severity level 5, person felony.

21-3504. Aggravated indecent liberties with a child.

(a) Aggravated indecent liberties with a child is:

- (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age;
- (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto:
 - (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender, or both; or
 - (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or
- (3) engaging in any of the following acts with a child who is under 14 years of age:
 - (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 - (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.

Except as provided further, aggravated indecent liberties with a child as described in subsections (a)(1) and (a)(3) is a severity level 3, person felony. Aggravated indecent liberties with a child as described in subsection (a)(2) is a severity level 4, person felony. When the offender is 18 years of age or older, aggravated indecent liberties with a child as described in subsection (a)(3) is an off-grid person felony.

21-3505. Criminal sodomy. (a) Criminal sodomy is:

- (1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal;
- (2) sodomy with a child who is 14 or more years of age but less than 16 years of age; or

- (3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.

Criminal sodomy as provided in subsection (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (a)(2) and (a)(3) is a severity level 3, person felony.

21-3506. Aggravated criminal sodomy. (a) Aggravated criminal sodomy is:

- (1) Sodomy with a child who is under 14 years of age;
- (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or
- (3) sodomy with a person who does not consent to the sodomy or causing a person, without the person's consent, to engage in sodomy with any person or an animal, under any of the following circumstances:
 - (A) When the victim is overcome by force or fear;
 - (B) when the victim is unconscious or physically powerless; or
 - (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender.

Except as provided further, aggravated criminal sodomy is a severity level 1, person felony. Aggravated criminal sodomy as described in subsection (a)(1) or (a)(2), when the offender is 18 years of age or older, is an off-grid person felony.

21-3522. Unlawful voluntary sexual relations.

(a) Unlawful voluntary sexual relations is engaging in voluntary:

- (1) Sexual intercourse;
- (2) sodomy; or
- (3) lewd fondling or touching with a child who is 14 years of age but less than 16 years of age and the offender is less than 19 years of age and less than four years of age older than the child and the child and the offender are the only parties involved and are members of the opposite sex.

- (b) (1) Unlawful voluntary sexual relations as provided in subsection (a)(1) is a severity level 8, person felony.
- (2) Unlawful voluntary sexual relations as provided in subsection (a)(2) is a severity level 9, person felony.
- (3) Unlawful voluntary sexual relations as provided in subsection (a)(3) is a severity level 10, person felony.

