

## **Proximate Result; Psychological or Psychiatric Examinations of Crime Victims; Spousal Exception to Sexual Battery; Fleeing or Attempting to Elude a Police Officer; Sexual Extortion; SB 60**

**SB 60** amends law in the Kansas Criminal Code (Code) related to jurisdictional application, psychological or psychiatric examinations of crime victims, the spousal exception in the crime of sexual battery, and the crime of fleeing or attempting to elude a police officer, and creates the crime of sexual extortion.

### ***Proximate Result***

The bill amends the statute governing jurisdictional application of the Code to define “proximate result” to mean any logical effect or consequence of an act regardless of whether the statute governing the charged offense considers the specific effect or consequence of such act. [Note: Under continuing law, a crime is considered to have been committed partly within the state if the proximate result of the person’s act occurs within the state.]

### ***Psychological or Psychiatric Examinations of Crime Victims***

The bill creates a provision within the Code to prohibit a court from requiring or ordering a victim of a crime to submit to or undergo a psychiatric or psychological examination in the prosecution for such crime.

### ***Spousal Exception to Sexual Battery***

The bill amends the definition of the crime of sexual battery to remove the element requiring the crime be committed against a victim “who is not the spouse of the offender.” The bill also makes a technical amendment to the definition of the crime of aggravated sexual battery in accordance with the change to the definition of sexual battery.

### ***Fleeing or Attempting to Elude a Police Officer***

The bill amends the offense of fleeing or attempting to elude a police officer to replace “willfully” with “knowingly” in reference to the mental state required for the offense, add operating a stolen motor vehicle to the list of conduct making the offense a severity level 9 person felony without prior convictions for the offense, and add the following conduct to the offense, which is classified as a level 7 person felony:

- Knowingly driving the wrong way into an opposing lane of travel on a divided highway;
- Knowingly departing the appropriate lane of travel into an opposing lane of travel on any roadway causing an evasive maneuver by another driver; or

- Knowingly driving through any intersection causing an evasive maneuver by another driver or causing a collision involving another motorist.

The bill amends the penalty for the felony offense without prior convictions to require the court to impose a fine of at least \$500 when the driver operates a stolen motor vehicle during the commission of the offense. The bill also clarifies that prior convictions for all versions of the offense are to be considered in determining the severity level of the current offense based on the number of prior convictions.

The bill also provides that, in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer is *prima facie* evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use, or benefit thereof.

### ***Sexual Extortion***

The bill creates the crime of sexual extortion, which is defined as communicating by any means 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 person in a state of nudity:

- With the intent to coerce such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or produce, provide, or distribute an image, video, or other recording of a person in a state of nudity, or depicting such person engaging in conduct that is of a sexual nature. Such conduct is a severity level 7 person felony; or
- That causes such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or 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. Such conduct is a severity level 4 person felony.

The bill also amends the Kansas Offender Registration Act to add a person convicted of sexual extortion to the definition of “sex offender” and to add sexual extortion to the list of offenses for which conviction requires offender registration for 15 years when one of the parties involved is less than 18 years of age. The bill provides registration is not required for a person adjudicated as a juvenile offender for an act that if committed by an adult constitutes the commission of sexual extortion.