

HB 1236 -- Sexual Offenses

Sponsor: Tilley

This bill changes the laws regarding sexual offenses. The bill:

(1) Lowers the victim's age from younger than 14 years of age to younger than 13 and increases the penalty from a minimum of five years' imprisonment to a minimum of 25 years with lifetime supervision for the crimes of statutory rape in the first degree and statutory sodomy in the first degree;

(2) Lowers the victim's age from younger than 17 years of age to 13 and increases the penalty to a minimum of 10 years' imprisonment for the crimes of statutory rape in the second degree and statutory sodomy in the second degree;

(3) Creates the crime of statutory rape in the third degree when a person older than 21 years of age has sexual intercourse with a person younger than 17. The crime will be a class C felony unless the offender is older than 30, in which case it will be a class B felony;

(4) Creates the crime of statutory sodomy in the third degree when a person older than 21 years of age has deviate sexual intercourse with a person younger than 17. The crime will be a class C felony unless the offender is older than 30, in which case it will be a class B felony;

(5) Increases the crime of child molestation in the second degree from a class A misdemeanor to a class D felony. Subsequent convictions of this crime are increased from a class D felony to a class C felony as well as for instances in which the perpetrator inflicts serious physical injury on any person; displays a deadly weapon or dangerous instrument in a threatening manner; or the offense was committed as part of a ritual or ceremony;

(6) Adds community residential programs to the list of places where a sex offender cannot establish residency within 1,000 feet;

(7) Limits the definition of "child abuse" to only those instances in which a person knowingly inflicts cruel and inhuman punishment on a child younger than 17 years of age;

(8) Creates the crime of photographing a child younger than 17 years of age engaging in a prohibited sexual act or knowingly permitting a child younger than 17 to engage in a prohibited sexual act. The crime will be a class C felony unless the child

is younger than 14, in which case it will be a class B felony;

(9) Creates the crime of harboring a sexual predator, a class A misdemeanor; and

(10) Allows an individual that has been required to register on the sex offender registry for a crime that he or she committed while younger than 21 years of age to petition to have his or her name removed.