

HB 2551 -- SEXUAL OFFENSES

SPONSOR: Whaley

This bill establishes the offense of grooming of a minor, which occurs if a person who is 18 years of age or older knowingly engages in a pattern of conduct that includes at least one overtly sexual act or communication directed toward a minor who is 17 years of age or younger. This pattern of conduct must be of a type that a reasonable person would infer from it the intent to prepare, condition, or manipulate the minor for sexual conduct, sexual performance, or a commercial sex act.

The bill describes conditions that must apply for the purposes of prosecuting the offense of grooming of a minor. These conditions do not require direct evidence of explicit statements of intent by the defendant, and intent can be established by the nature, frequency, and context of the defendant's actions or communications. The intent of the defendant is required to be evaluated based upon only what a reasonable person would infer the intent of the defendant to be.

The offense of grooming of a minor does not apply to a person who is:

- (1) 18 years of age or older but not more than four years older than the minor at the time of the offense if there is no evidence of force or threat thereof, coercion, or exploitation by the person;
- (2) A licensed teacher, licensed health care provider, or youth mentor of the minor acting within the scope of practice or scope of employment if there is no evidence of sexual intent or exploitation by the person; or
- (3) A parent, guardian, or family member of the minor who is providing standard care or support to the minor if there is no evidence of sexual intent or exploitation by the person.

The offense of grooming of a minor is a class B felony, unless sexual conduct, sexual performance, or a commercial sex act occurs, in which case it is a class A felony. A person who is convicted under this provision is not eligible for probation, parole, or conditional release until the person has served at least five years of his or her sentence.

A person found guilty of this offense will be ordered by the sentencing court to pay restitution to the victim, the minimum amount of which must be in the amount determined by the court necessary to appropriately compensate the victim.

The bill requires the Department of Public Safety to issue guidance for the public on identifying and recognizing actions constituting grooming of a minor, responding to potential instances thereof, and treatment and services for victims. Additional guidance is required on procedures and training for professionals on investigating and prosecuting perpetrators of the offense.

The bill defines the terms "pattern of conduct" and "sexual performance" within the context of the offense.

This bill additionally modifies the definition of "child pornography". The current definition classifies child pornography as certain visual depictions, including digital images, computer images, or computer-generated images that are of, or are indistinguishable from, a minor engaging in sexually explicit conduct, in that an ordinary person would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. The bill adds that the visual depiction is such that an ordinary person would conclude the depiction is of an actual minor engaged in sexually explicit conduct regardless of whether the minor was actually engaged in sexually explicit conduct at the time the visual depiction was created.

The bill changes what constitutes a victim of the offense of nonconsensual dissemination of private sexual images. Currently, to be considered a victim, a person must be at least 18 years of age, identifiable from the image itself or information displayed in connection with the image, and be engaged in a sexual act or have his or her intimate parts exposed. This bill repeals the condition that the victim be at least 18 years of age.

The offense of nonconsensual dissemination of private sexual images is a class D felony. This bill adds that the offense becomes a class C felony if the image is of a minor or a vulnerable person.

Additionally, the bill changes what constitutes a victim of the offense of threatening the nonconsensual dissemination of private sexual images. Currently, to be considered a victim, a person must be at least 18 years of age, identifiable from the image itself or information displayed in connection with the image, and

be engaged in a sexual act or have his or her intimate parts exposed. This bill repeals the condition that the victim be at least 18 years of age.

The current penalty for the offense of threatening the nonconsensual dissemination of private sexual images is a class E felony. This bill changes it to a class D felony, unless it is a second offense, in which case it is a class C felony. A third or subsequent offense is a class B felony. Moreover, if the image was of a minor or vulnerable person, the offense is a class A felony. If the threat of the offense is the proximate cause of a serious physical injury or death of a person, the offense is a class A felony.

A person found guilty of this offense will be ordered by the sentencing court to pay restitution to the victim, the minimum amount of which must be in the amount determined by the court necessary to appropriately compensate the victim.

The bill adds grooming of a minor, nonconsensual dissemination of private sexual images, and threatening the nonconsensual dissemination of private sexual images to offenses for which the convicted person is required to register as a sex offender.

The bill adds the grooming of a minor to the Tier I sexual offenses. It also adds the nonconsensual dissemination of private sexual images, or the threatening thereof, if the victim is 17 years of age or younger or if coercion of the victim was sexual in nature to the Tier II sexual offenses. Additionally, the bill repeals the offense of sexual intercourse with a prisoner or offender from the Tier III sexual offenses.

The bill modifies moneys to be deposited into the crime victims' compensation fund by adding \$500 but no more than \$5,000 upon a plea of guilty or a finding of guilt for the offense of nonconsensual dissemination of private sexual images or the offense of threatening the nonconsensual dissemination of private sexual images to the amounts.

This bill is similar to HB 1814 (2026).