

**KANSAS**

<b>SEXUAL OFFENSE STATUTES</b>	<b>STATUTE OF LIMITATIONS</b>	<b>DNA EXCEPTION</b>
<p>KAN. STAT. § 21-3502 Rape Severity level 1, person felony if sexual intercourse occurs with a person who does not consent to it, under any of the following circumstances:</p> <ul style="list-style-type: none"> <li>• Victim is overcome by force or fear</li> <li>• Victim is unconscious or physically powerless</li> <li>• Victim is incapable of giving consent because of mental deficiency or disease</li> <li>• Victim is incapable of giving consent because of the effect of any alcohol or drug, which condition was known or reasonably apparent to offender</li> <li>• Victim was under 14 years of age</li> </ul> <p>Off-grid person felony if rape occurs between a victim under the age of 14 and a perpetrator 18 years of age or above</p> <p>Severity level 2, person felony if victim's consent was obtained through a knowing misrepresentation made by offender that the sexual intercourse was a medically or therapeutically necessary procedure, or through a knowing misrepresentation made by offender that the sexual intercourse was a legally required procedure within the scope of</p>	<p>KAN. STAT. § 21-3106 Time limitations for commencement of prosecutions For any crime, within five years after commission of the offense</p> <p><a href="#">State v. Bentley, 1986, 239 Kan. 334, 721 P.2d 227</a> (threat by uncle who allegedly sexually abused nine-year-old niece that if she told anybody, he would "try to do it again" did not constitute "concealment" thus excepting crime from two-year criminal statute of limitations.)</p> <p><a href="#">State v. Donham, 2001, 24 P.3d 750, 29 Kan.App.2d 78</a> (because sexual exploitation of a child, by possessing material depicting a child engaged in sexually explicit conduct, requires a specific intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender, the child or another, that crime is not a "continuing offense.")</p>	<p>KAN. STAT. § 21-3106 Time limitations for commencement of prosecutions For any sexually violent offense as defined in § 22-3717, within one year after the date on which the identity of the suspect is conclusively established by DNA testing; applies to:</p> <ul style="list-style-type: none"> <li>• Rape (§ 21-3502)</li> <li>• Indecent liberties with a child (§ 21-3503)</li> <li>• Aggravated indecent liberties with a child (§ 21-3504)</li> <li>• Criminal sodomy (§ 21-3505—only applies at the felony level of this offense)</li> <li>• Aggravated criminal sodomy (§ 21-3506)</li> <li>• Indecent solicitation of a child (§ 21-3510)</li> <li>• Aggravated solicitation of a child (§ 21-3511)</li> <li>• Sexual exploitation of a child (§ 21-3516)</li> <li>• Aggravated sexual battery (§ 21-3518)</li> <li>• Aggravated incest (§ 21-3603)</li> </ul>

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<p>offender's authority</p> <p>KAN. STAT. § 21-3503 Indecent liberties with a child Severity level 5, person felony</p> <p>KAN. STAT. ANN. § 21-3504 Aggravated indecent liberties with a child Severity level 3, person felony if any of the following occurs:</p> <ul style="list-style-type: none"> <li>• Sexual intercourse with a child who is over 14 but less than 16</li> <li>• With a child less than 14, any lewd fondling or touching of either party, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child, the offender, or both</li> <li>• With a child less than 14, soliciting the child to engage in any lewd fondling or touching of another with the intent to arouse the sexual desires of the child, the offender, or another</li> </ul> <p>Severity level 4, person felony of any of the following occurs with a child 14 or over but less than 16, without consent:</p> <ul style="list-style-type: none"> <li>• Any lewd fondling or touching of either party done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or offender</li> <li>• Causing the child to engage in any lewd fondling or touching of either party with the intent to arouse or satisfy the sexual desires of the child, the offender, or</li> </ul>		
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<p>another Off-grid person felony if an offender 18 or above engages in any of the following:</p> <ul style="list-style-type: none"> <li>• With a child less than 14, any lewd fondling or touching of either party, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child, the offender, or both</li> <li>• With a child less than 14, soliciting the child to engage in any lewd fondling or touching of another with the intent to arouse the sexual desires of the child, the offender, or another</li> </ul> <p>KAN. STAT. § 21-3505 Criminal sodomy Class B nonperson misdemeanor if sodomy occurs between persons who are 16 or more years of age and members of the same sex, or between a person and an animal Severity level 3, person felony if sodomy occurs with a child who is 14 or above but less than 16, or if the perpetrator causes a child 14 or above but less than 16 to engage in sodomy with any person or animal</p> <p>KAN. STAT. § 21-3506 Aggravated criminal sodomy Severity level 1, person felony Off-grid person felony if perpetrator is 18 or above and the sodomy occurs with a child who is under 14, or if perpetrator causes a child under 14 to engage in sodomy with any person or animal</p>		
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<p>KAN. STAT. § 21-3510 Indecent solicitation of a child Security level 6, person felony</p> <p>KAN. STAT. § 21-3511 Aggravated indecent solicitation of a child Security level 5, person felony</p> <p>KAN. STAT. § 21-3516 Sexual exploitation of a child Severity level 5, person felony Off-grid person felony if an offender 18 or above engages in any of the following:</p> <ul style="list-style-type: none"><li>• 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</li><li>• promoting any performance that includes sexually explicit conduct by a child under 14 years of age, knowing the character and content of the performance.</li></ul> <p>KAN. STAT. § 21-3517 Sexual battery Class A person misdemeanor</p> <p>KAN. STAT. § 21-3518 Aggravated sexual battery Security level 5, person felony</p> <p>KAN. STAT. § 21-3520 Unlawful sexual relations Security level 10, person felony</p>		
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<p>KAN. STAT. § 21-3522 Unlawful voluntary sexual relations</p> <p>Security level 8, person felony if offender under 19 engages in sexual intercourse with another person who is at least 14 but under 16, and offender is at most four years older than the other person</p> <p>Security level 9, person felony if offender under 19 engages in sodomy with another person who is at least 14 but under 16, and offender is at most four years older than the other person</p> <p>Security level 10, person felony if offender under 19 engages in lewd fondling or touching with another person who is at least 14 but under 16, and offender is at most four years older than the other person</p> <p>KAN. STAT. § 21-3602 Incest Security level 10, person felony</p> <p>KAN. STAT. § 21-3603 Aggravated incest Security level 5 or Security level 7, person felony</p>		
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