

## 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.

### 21-5510. Sexual exploitation of a child.

(a) Sexual exploitation of a child is:

- (1) Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, or a person whom the offender believes to be under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;
  - (2) possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires of appeal to the prurient interest of the offender or any other person;
  - (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, or assist another in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or
  - (4) Promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance...
- (d) 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 with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;
  - (2) "promoting" means procuring, transmitting, distributing, circulating, 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 or any other person;
  - (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.
  - (5) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.

## 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 55.--SEX OFFENSES

**21-5501. 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.

**21-5503. Rape.** (a) Rape is:

- (1) Knowingly engaging in sexual intercourse with a victim 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;
- (2) Knowingly engaging in sexual intercourse with a victim 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;
- (3) sexual intercourse with a child who is under 14 years of age;
- (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 medically or therapeutically necessary procedure; or
- (5) 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.

**21-5506. 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.
- (b) 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.

**21-5504. Criminal sodomy.**

- (a) Criminal sodomy is:
- (1) Sodomy between persons who are 16 or more years of age and members of the same sex;
  - (2) Sodomy between a person and an animal;
  - (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or
  - (4) 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.
- (b) 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, or was reasonably apparent to, the offender.

**21-5507. Unlawful voluntary sexual relations.**

(a) Unlawful voluntary sexual relations is:

- (1) 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:
  - (A) Voluntary sexual intercourse;
  - (B) voluntary sodomy; or
  - (C) voluntary lewd fondling or touching;
- (2) when the offender is less than 19 years of age;
- (3) when the offender is less than four years of age older than the child;
- (4) when the child and the offender are the only parties involved; and
- (5) when the child and the offender are members of the opposite sex.

**21-5509. Electronic solicitation.**

(a) Electronic solicitation is, by means of communication conducted through the telephone, internet, or by other electronic means, enticing or soliciting a person, whom the offender believes is a child, to commit or submit to an unlawful sexual act.

As used in this section, "communication conducted through the internet or by other electronic means" includes, but is not limited to, e-mail, chatroom chats and text messaging.

**- WARNING -**

***All of the crimes outlined in this brochure are felony offenses with varying levels of severity of punishment including life in prison. Engaging in sexual relations with a child is a serious offense.***

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

### COMMUNITY RESOURCES

Via Christi SANE/SART (316) 689-5252

Wichita Area Sexual Assault Center (316) 263-3002

Wichita/Sedgwick County Exploited and Missing Child Unit (316) 337-6552 or 9-1-1

