

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 877

Date: April 4, 2021

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CLAC members do not favor passage of LD 877, which would add the phrase “kissing on the mouth” to the definition of sexual touching applicable to the Class D crime of Unlawful Sexual Touching. Unwanted kissing on the mouth already constitutes a Class D assault under section 207 of the Criminal Code, which prohibits the causing of offensive physical contact to another person.

CLAC members generally disfavor creating specific crimes that cover conduct already made illegal under the general language of the Criminal Code. Whereas unwanted kissing is already a Class D crime under existing law, CLAC members view the proposed addition to the definition of sexual touching as unnecessary.