

HOUSE BILL No. 2080

By Committee on Corrections and Juvenile Justice

1-24

1 AN ACT concerning crimes, criminal procedure and punishment;
2 amending K.S.A. 2012 Supp. 21-5807 and 21-5924 and repealing the
3 existing sections; also repealing K.S.A. 2012 Supp. 21-5924a.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 21-5807 is hereby amended to read as
7 follows: 21-5807. (a) Burglary is, without authority, entering into or
8 remaining within any of the following, with the intent to commit a
9 specified offense therein or in violation of a protective order as defined in
10 K.S.A. 2012 Supp. 21-5924, and amendments thereto:

11 (1) Dwelling, ~~with intent to commit a felony, theft or sexually~~
12 ~~motivated crime therein;~~

13 (2) building, manufactured home, mobile home, tent or other
14 structure which is not a dwelling, ~~with intent to commit a felony, theft or~~
15 ~~sexually motivated crime therein;~~ or

16 (3) vehicle, aircraft, watercraft, railroad car or other means of
17 conveyance of persons or property, ~~with intent to commit a felony, theft or~~
18 ~~sexually motivated crime therein.~~

19 (b) Aggravated burglary is, without authority, entering into or
20 remaining within any building, manufactured home, mobile home, tent or
21 other structure, or any vehicle, aircraft, watercraft, railroad car or other
22 means of conveyance of persons or property in which there is a human
23 being ~~with intent to commit a felony, theft or sexually motivated crime~~
24 ~~therein, with the intent to commit a specified offense therein or in violation~~
25 ~~of a protective order as defined in K.S.A. 2012 Supp. 21-5924, and~~
26 ~~amendments thereto.~~

27 (c) (1) Burglary as defined in:

28 (A) Subsection (a)(1) is a severity level 7, person felony;

29 (B) subsection (a)(2) is a severity level 7, nonperson felony; and

30 (C) subsection (a)(3) is a severity level 9, nonperson felony.

31 (2) Aggravated burglary is a severity level 5, person felony.

32 (d) As used in this section, "specified offense" means:

33 (1) A felony, theft or any crime in which ~~"sexually motivated"~~ means
34 ~~that~~ one of the purposes for which the defendant committed the crime was
35 for the purpose of the defendant's sexual gratification-;

36 (2) domestic battery, as defined in K.S.A. 2012 Supp. 21-5414, and

1 *amendments thereto; or*

2 (3) *stalking, as defined in K.S.A. 2012 Supp. 21-5427, and*
3 *amendments thereto.*

4 Sec. 2. K.S.A. 2012 Supp. 21-5924 is hereby amended to read as
5 follows: 21-5924. (a) Violation of a protective order is knowingly
6 violating:

7 (1) A protection from abuse order issued pursuant to K.S.A. 60-3105,
8 60-3106 and 60-3107, and amendments thereto;

9 (2) a protective order issued by a court or tribunal of any state or
10 Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and
11 amendments thereto;

12 (3) a restraining order issued pursuant to K.S.A. 2012 Supp. 23-2707,
13 38-2243, 38-2244 and 38-2255, and amendments thereto, ~~and K.S.A. 60-~~
14 ~~1607, prior to its transfer,~~

15 (4) an order issued in this or any other state as a condition of pretrial
16 release, diversion, probation, suspended sentence, postrelease supervision
17 or at any other time during the criminal case that orders the person to
18 refrain from having any direct or indirect contact with another person;

19 (5) an order issued in this or any other state as a condition of release
20 after conviction or as a condition of a supersedeas bond pending
21 disposition of an appeal, that orders the person to refrain from having any
22 direct or indirect contact with another person; or

23 (6) a protection from stalking order issued pursuant to K.S.A. 60-
24 31a05 or 60-31a06, and amendments thereto.

25 (b) (1) Violation of a protective order is a class A person
26 misdemeanor, except as provided in subsection (b)(2).

27 (2) Violation of an extended protective order as described in
28 subsection (e)(2) of K.S.A. 60-3107, and amendments thereto, and
29 subsection (d) of K.S.A. 60-31a06, and amendments thereto, is a severity
30 level 6, person felony.

31 (c) No protective order, as set forth in this section, shall be construed
32 to prohibit an attorney, or any person acting on such attorney's behalf, who
33 is representing the defendant in any civil or criminal proceeding, from
34 contacting the protected party for a legitimate purpose within the scope of
35 the civil or criminal proceeding. The attorney, or person acting on such
36 attorney's behalf, shall be identified in any such contact.

37 (d) As used in this section, "order" includes any order issued by a
38 municipal or district court.

39 Sec. 3. K.S.A. 2012 Supp. 21-5807, 21-5924 and 21-5924a are
40 hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.