

**HOUSE BILL No. 2191**

By Committee on Corrections and Juvenile Justice

2-1

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes against the public peace; increasing criminal penalties for riot  
3 and incitement to riot in a correctional facility; amending K.S.A. 2020  
4 Supp. 21-6201 and repealing the existing section.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 21-6201 is hereby amended to read as  
8 follows: 21-6201. (a) Riot is five or more persons acting together and  
9 without lawful authority engaging in any:

10 (1) Use of force or violence which produces a breach of the public  
11 peace; or

12 (2) threat to use such force or violence against any person or property  
13 if accompanied by power or apparent power of immediate execution.

14 (b) Incitement to riot is by words or conduct knowingly urging others  
15 to engage in riot as defined in subsection (a) under circumstances which  
16 produce a clear and present danger of injury to persons or property or a  
17 ~~branch~~ breach of the public peace.

18 (c) (1) Riot is a:

19 (A) Class A person misdemeanor, *except as provided in subsection (c)*  
20 *(1)(B); and*

21 (B) *severity level 8, person felony if the riot occurs in a correctional*  
22 *facility.*

23 (2) Incitement to riot is a:

24 (A) *Severity level 8, person felony, except as provided in subsection*  
25 *(c)(2)(B); and*

26 (B) *severity level 6, person felony if the incitement to riot occurs in a*  
27 *correctional facility.*

28 (d) *As used in this section, "correctional facility" means a*  
29 *"correctional institution" as defined in K.S.A. 75-5202, and amendments*  
30 *thereto, or a jail.*

31 Sec. 2. K.S.A. 2020 Supp. 21-6201 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.