

HOUSE BILL No. 2567

By Committee on Corrections and Juvenile Justice

1-27

1 AN ACT concerning crimes and punishments; relating to aggravated
2 endangering a child; amending K.S.A. 2011 Supp. 21-5419 and 21-
3 5601 and repealing the existing sections.

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

6 Section 1. K.S.A. 2011 Supp. 21-5419 is hereby amended to read as
7 follows: 21-5419. (a) As used in this section:

8 (1) "Abortion" means an abortion as defined by K.S.A. 65-6701, and
9 amendments thereto; and

10 (2) "unborn child" means a living individual organism of the species
11 homo sapiens, in utero, at any stage of gestation from fertilization to birth.

12 (b) This section shall not apply to:

13 (1) Any act committed by the mother of the unborn child;

14 (2) any medical procedure, including abortion, performed by a
15 physician or other licensed medical professional at the request of the
16 pregnant woman or her legal guardian; or

17 (3) the lawful dispensation or administration of lawfully prescribed
18 medication.

19 (c) As used in K.S.A. 2011 Supp. 21-5401, 21-5402, 21-5403, 21-
20 5404, 21-5405, 21-5406 ~~and~~, subsections (a) and (b) of 21-5413; *and*
21 *subsections (b)(2), (3), (4) and (5) of 21-5601*, and amendments thereto,
22 "child," "person" and "human being" also mean an unborn child.

23 (d) This section shall be known as Alexa's law.

24 Sec. 2. K.S.A. 2011 Supp. 21-5601 is hereby amended to read as
25 follows: 21-5601. (a) Endangering a child is knowingly and unreasonably
26 causing or permitting a child under the age of 18 years to be placed in a
27 situation in which the child's life, body or health may be endangered.

28 (b) Aggravated endangering a child is:

29 (1) Recklessly causing or permitting a child under the age of 18 years
30 to be placed in a situation in which the child's life, body or health is
31 endangered;

32 (2) causing or permitting such child to be in an environment where
33 the person knows or reasonably should know that any person is
34 distributing, possessing with intent to distribute, manufacturing or
35 attempting to manufacture any methamphetamine, or analog thereof, as
36 defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments

1 thereto; ~~or~~

2 (3) causing or permitting such child to be in an environment where
3 the person knows or reasonably should know that drug paraphernalia or
4 volatile, toxic or flammable chemicals are stored for the purpose of
5 manufacturing or attempting to manufacture any methamphetamine, or
6 analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107,
7 and amendments thereto-;

8 (4) *causing or permitting such child to be in an environment where*
9 *the person knows or reasonably should know any person injected,*
10 *ingested, inhaled or otherwise introduced any methamphetamine, or*
11 *analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107,*
12 *and amendments thereto, into the human body; or*

13 (5) *causing or permitting such child to be in an environment where*
14 *the person knows or reasonably should know any person is in possession*
15 *of any methamphetamine, or analog thereof, as defined by subsection (d)*
16 *(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto.*

17 (c) (1) Endangering a child is a class A person misdemeanor.

18 (2) Aggravated endangering a child is a severity level 9, person
19 felony. The sentence for a violation of aggravated endangering a child
20 shall be served consecutively to any other term or terms of imprisonment
21 imposed. Such sentence shall not be considered a departure and shall not
22 be subject to appeal.

23 (d) Nothing in subsection (a) shall be construed to mean a child is
24 endangered for the sole reason the child's parent or guardian, in good faith,
25 selects and depends upon spiritual means alone through prayer, in
26 accordance with the tenets and practice of a recognized church or religious
27 denomination, for the treatment or cure of disease or remedial care of such
28 child.

29 (e) As used in this section:

30 (1) "Manufacture" means the same as in K.S.A. 2011 Supp. 21-5701,
31 and amendments thereto; ~~and~~

32 (2) "drug paraphernalia" means the same as in K.S.A. 2011 Supp. 21-
33 5701, and amendments thereto-; *and*

34 (3) *"possession" means the same as in K.S.A. 2011 Supp. 21-5701,*
35 *and amendments thereto.*

36 Sec. 3. K.S.A. 2011 Supp. 21-5419 and 21-5601 are hereby repealed.

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

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