

**SENATE BILL No. 135**

By Senators Petersen and Schodorf

2-8

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1 AN ACT concerning racketeering; enacting the Kansas racketeer  
2 influenced and corrupt organization act; amending K.S.A. 2010 Supp.  
3 60-4104 and section 34 of chapter 136 of the 2010 Session Laws of  
4 Kansas and repealing the existing sections; also repealing K.S.A. 2010  
5 Supp. 21-3302.

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

8 New Section 1. Sections 1 through 5, and amendments thereto, shall  
9 be known and may be cited as the Kansas racketeer influenced and  
10 corrupt organization act (Kansas RICO act).

11 New Sec. 2. As used in the Kansas racketeer influenced and corrupt  
12 organization act:

13 (a) “Racketeering activity” means to commit, attempt  
14 to commit, conspire to commit or to solicit, coerce or intimidate another  
15 person to commit:

16 (1) Any violation of: K.S.A. 8-1568, and amendments  
17 thereto, fleeing or attempting to elude a police officer; K.S.A. 9-508 et  
18 seq., and amendments thereto, Kansas money transmitter act; article 12a  
19 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto,  
20 Kansas uniform securities act; article 36a of chapter 21 of the Kansas  
21 Statutes Annotated, and amendments thereto, crimes involving controlled  
22 substances; section 36 of chapter 136 of the 2010 Session Laws of  
23 Kansas, and amendments thereto, capital murder; section 37 of chapter  
24 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
25 murder in the first degree; section 38 of chapter 136 of the 2010 Session  
26 Laws of Kansas, and amendments thereto, murder in the second degree;  
27 section 39 of chapter 136 of the 2010 Session Laws of Kansas, and  
28 amendments thereto, voluntary manslaughter; section 40 of chapter 136  
29 of the 2010 Session Laws of Kansas, and amendments thereto,  
30 involuntary manslaughter; section 41 of chapter 136 of the 2010 Session  
31 Laws of Kansas, and amendments thereto, vehicular homicide; section 42  
32 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
33 thereto, assisting suicide; section 43 of chapter 136 of the 2010 Session  
34 Laws of Kansas, and amendments thereto, kidnapping or aggravated  
35 kidnapping; section 47 of chapter 136 of the 2010 Session Laws of  
36 Kansas, and amendments thereto; section 48 of chapter 136 of the 2010

1 Session Laws of Kansas, and amendments thereto; section 49 of chapter  
2 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
3 domestic battery; section 50 of chapter 136 of the 2010 Session Laws of  
4 Kansas, and amendments thereto, criminal threat or aggravated criminal  
5 threat; section 52 of chapter 136 of the 2010 Session Laws of Kansas, and  
6 amendments thereto, mistreatment of a dependent adult; section 55 of  
7 chapter 136 of the 2010 Session Laws of Kansas, and amendments  
8 thereto, robbery or aggravated robbery; section 56 of chapter 136 of the  
9 2010 Session Laws of Kansas, and amendments thereto, terrorism;  
10 section 57 of chapter 136 of the 2010 Session Laws of Kansas, and  
11 amendments thereto, illegal use of weapons of mass destruction; section  
12 58 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
13 thereto; section 61 of chapter 136 of the 2010 Session Laws of Kansas,  
14 and amendments thereto, trafficking or aggravated trafficking; section 64  
15 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
16 thereto, blackmail; section 74 of chapter 136 of the 2010 Session Laws of  
17 Kansas, and amendments thereto, sexual exploitation of a child; sections  
18 87 through 125 of chapter 136 of the 2010 Session Laws of Kansas, and  
19 amendments thereto, crimes against property; section 128 of chapter 136  
20 of the 2010 Session Laws of Kansas, and amendments thereto, perjury;  
21 section 129 of chapter 136 of the 2010 Session Laws of Kansas, and  
22 amendments thereto, interference with law enforcement; section 130 of  
23 chapter 136 of the 2010 Session Laws of Kansas, and amendments  
24 thereto, interference with the judicial process; section 134 of chapter 136  
25 of the 2010 Session Laws of Kansas, and amendments thereto,  
26 intimidation of a witness or victim or aggravated intimidation of a  
27 witness or victim; section 137 of chapter 136 of the 2010 Session Laws of  
28 Kansas, and amendments thereto, aiding escape; section 138 of chapter  
29 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
30 obstructing apprehension or prosecution; section 143 of chapter 136 of  
31 the 2010 Session Laws of Kansas, and amendments thereto; sections 150  
32 through 161 of chapter 136 of the 2010 Session Laws of Kansas, and  
33 amendments thereto, Kansas medicaid fraud control act; section 165 of  
34 chapter 136 of the 2010 Session Laws of Kansas, and amendments  
35 thereto, bribery; section 166 of chapter 136 of the 2010 Session Laws of  
36 Kansas, and amendments thereto, official misconduct; section 167 of  
37 chapter 136 of the 2010 Session Laws of Kansas, and amendments  
38 thereto, compensation for past official acts; section 168 of chapter 136 of  
39 the 2010 Session Laws of Kansas, and amendments thereto, presenting a  
40 false claim or permitting a false claim; section 169 of chapter 136 of the  
41 2010 Session Laws of Kansas, and amendments thereto, misuse of public  
42 funds; section 186 of chapter 136 of the 2010 Session Laws of Kansas,  
43 and amendments thereto, criminal use of weapons; section 187 of chapter

1 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
2 criminal carrying of a weapon; section 188 of chapter 136 of the 2010  
3 Session Laws of Kansas, and amendments thereto, criminal distribution  
4 of firearms to a felon; section 189 of chapter 136 of the 2010 Session  
5 Laws of Kansas, and amendments thereto, criminal possession of a  
6 firearm by a convicted felon; section 190 of chapter 136 of the 2010  
7 Session Laws of Kansas, and amendments thereto, aggravated weapons  
8 violation by a convicted felon; section 191 of chapter 136 of the 2010  
9 Session Laws of Kansas, and amendments thereto, defacing identification  
10 marks of a firearm; section 193 of chapter 136 of the 2010 Session Laws  
11 of Kansas, and amendments thereto, criminal discharge of a firearm;  
12 section 195 of chapter 136 of the 2010 Session Laws of Kansas, and  
13 amendments thereto, unlawful endangerment; section 197 of chapter 136  
14 of the 2010 Session Laws of Kansas, and amendments thereto; sections  
15 198 through 201 of chapter 136 of the 2010 Session Laws of Kansas, and  
16 amendments thereto; section 212 of chapter 136 of the 2010 Session  
17 Laws of Kansas, and amendments thereto; section 215 of chapter 136 of  
18 the 2010 Session Laws of Kansas, and amendments thereto, gambling;  
19 section 216 of chapter 136 of the 2010 Session Laws of Kansas, and  
20 amendments thereto, illegal bingo operation; section 217 of chapter 136  
21 of the 2010 Session Laws of Kansas, and amendments thereto,  
22 commercial gambling; section 218 of chapter 136 of the 2010 Session  
23 Laws of Kansas, and amendments thereto, dealing in gambling devices;  
24 section 219 of chapter 136 of the 2010 Session Laws of Kansas, and  
25 amendments thereto; section 220 of chapter 136 of the 2010 Session  
26 Laws of Kansas, and amendments thereto, installing communication  
27 facilities for gamblers; subsections (a) or (b) of section 225 of chapter  
28 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
29 unlawful conduct of dog fighting or unlawful possession of dog fighting  
30 paraphernalia; subsections (a) or (b) of section 228 of chapter 136 of the  
31 2010 Session Laws of Kansas, and amendments thereto, unlawful  
32 conduct of cockfighting or unlawful possession of cockfighting  
33 paraphernalia; section 229 of chapter 136 of the 2010 Session Laws of  
34 Kansas, and amendments thereto, prostitution; section 230 of chapter 136  
35 of the 2010 Session Laws of Kansas, and amendments thereto, promoting  
36 prostitution; section 232 of chapter 136 of the 2010 Session Laws of  
37 Kansas, and amendments thereto, extortion; section 233 of chapter 136 of  
38 the 2010 Session Laws of Kansas, and amendments thereto, debt  
39 adjusting; section 235 of chapter 136 of the 2010 Session Laws of  
40 Kansas, and amendments thereto, equity skimming; section 237 of  
41 chapter 136 of the 2010 Session Laws of Kansas, and amendments  
42 thereto, commercial bribery; section 238 of chapter 136 of the 2010  
43 Session Laws of Kansas, and amendments thereto, sports bribery; section

1 239 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
2 thereto, tampering with a sports contest; K.S.A. 39-720, and amendments  
3 thereto, social welfare service fraud; K.S.A. 40-2,118, and amendments  
4 thereto, fraudulent insurance acts; K.S.A. 41-101 et seq., and  
5 amendments thereto, Kansas liquor control act; K.S.A. 44-5,125, and  
6 amendments thereto, workers' compensation act; K.S.A. 44-719 et seq.,  
7 and amendments thereto, employment security law; article 6 of chapter  
8 50 of the Kansas Statutes Annotated, and amendments thereto, consumer  
9 protection; K.S.A. 65-1657, and amendments thereto, nonresident  
10 pharmacy registration; K.S.A. 65-3441, and amendments thereto,  
11 hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in  
12 counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes  
13 Annotated, and amendments thereto, Kansas parimutuel racing act; or  
14 K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco  
15 products act; or

16 (2) any conduct defined as "racketeering activity" under 18 U.S.C.  
17 § 1961(1).

18 (b) "Unlawful debt" means any money or other thing of value  
19 constituting principal or interest of a debt that is legally unenforceable in  
20 this state in whole or in part because the debt was incurred or contracted:

21 (1) In violation of any of the following provisions of law: article 88  
22 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto,  
23 Kansas parimutuel racing act; section 215 of chapter 136 of the 2010  
24 Session Laws of Kansas, and amendments thereto, gambling; section 216  
25 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
26 thereto, illegal bingo operation; section 217 of chapter 136 of the 2010  
27 Session Laws of Kansas, and amendments thereto, commercial gambling;  
28 section 218 of chapter 136 of the 2010 Session Laws of Kansas, and  
29 amendments thereto, dealing in gambling devices; section 219 of chapter  
30 136 of the 2010 Session Laws of Kansas, and amendments thereto; or  
31 section 220 of chapter 136 of the 2010 Session Laws of Kansas, and  
32 amendments thereto, installing communication facilities for gamblers; or

33 (2) in gambling activity in violation of federal law or in the business  
34 of lending money at a rate usurious under state or federal law.

35 (c) "Enterprise" means any individual, sole proprietorship,  
36 partnership, corporation, business trust, union chartered under the laws of  
37 this state, or other legal entity, or any unchartered union, association, or  
38 group of individuals associated in fact although not a legal entity; and it  
39 includes illicit as well as licit enterprises and governmental, as well as  
40 other, entities. A criminal street gang, as defined in section 198 of chapter  
41 136 of the 2010 Session Laws of Kansas, and amendments thereto,  
42 constitutes an enterprise.

43 (d) "Pattern of racketeering activity" means engaging in at least two

1 incidents of racketeering activity that have the same or similar intents,  
2 results, accomplices, victims or methods of commission or that otherwise  
3 are interrelated by distinguishing characteristics and are not isolated  
4 incidents, provided at least one of such incidents occurred after the  
5 effective date of this act and that the last of such incidents occurred  
6 within 5 years, excluding any period of imprisonment, after a prior  
7 incident of racketeering activity.

8 (e) “Documentary material” means any book, paper, document,  
9 writing, drawing, graph, chart, photograph, phonorecord, magnetic tape,  
10 computer printout, other data compilation from which information can be  
11 obtained or from which information can be translated into usable form, or  
12 other tangible item.

13 (f) “Beneficial interest” means:

14 (1) The interest of a person as a beneficiary under any trust  
15 arrangement pursuant to which a trustee holds legal or record title to real  
16 property for the benefit of such person; or

17 (2) the interest of a person under any other form of express fiduciary  
18 arrangement pursuant to which any other person holds legal or record title  
19 to real property for the benefit of such person.

20 The term “beneficial interest” does not include the interest of a  
21 stock holder in a corporation or the interest of a partner in either a general  
22 partnership or a limited partnership. A beneficial interest shall be deemed  
23 to be located where the real property owned by the trustee is located.

24 (g) “Real property” means any real property or any interest in such  
25 real property, including, but not limited to, any lease of or mortgage upon  
26 such real property.

27 (h) “Trustee” means:

28 (1) Any person acting as trustee pursuant to a trust in which the  
29 trustee holds legal or record title to real property;

30 (2) any person who holds legal or record title to real property in  
31 which any other person has a beneficial interest; or

32 (3) any successor trustee or trustees to any or all of the foregoing  
33 persons.

34 The term “trustee” does not include any person appointed or acting as  
35 a personal representative as defined in K.S.A. 59-102, and amendments  
36 thereto, or appointed or acting as a trustee of any testamentary trust or as  
37 a trustee of any indenture of trust under which any bonds have been or  
38 are to be issued.

39 New Sec. 3. (a) It is unlawful for any person:

40 (1) Who has with criminal intent received any proceeds derived,  
41 directly or indirectly, from a pattern of racketeering activity or through  
42 the collection of an unlawful debt to use or invest, whether directly or  
43 indirectly, any part of such proceeds, or the proceeds derived from the

1 investment or use thereof, in the acquisition of any title to, or any right,  
2 interest, or equity in, real property or in the establishment or operation of  
3 any enterprise;

4 (2) through a pattern of racketeering activity or through the  
5 collection of an unlawful debt, to acquire or maintain, directly or  
6 indirectly, any interest in or control of any enterprise or real property; and

7 (3) employed by, or associated with, any enterprise to conduct or  
8 participate, directly or indirectly, in such enterprise through a pattern of  
9 racketeering activity or the collection of an unlawful debt.

10 (b) Violation of this section or conspiracy to commit a violation of  
11 this section is a severity level 2, person felony.

12 (c) The provisions of subsection (c) of section 34 of chapter 136 of  
13 the 2010 Session Laws of Kansas, and amendments thereto, shall not  
14 apply to conspiracy to commit a violation of this section.

15 (d) (1) Notwithstanding the provisions of section 251 of chapter 136  
16 of the 2010 Session Laws of Kansas, and amendments thereto, any person  
17 convicted of engaging in conduct in violation of this section, through  
18 which the person derived pecuniary value, or by which the person caused  
19 personal injury or property damage or other loss, may be sentenced to pay  
20 a fine that does not exceed three times the gross value gained or three  
21 times the gross loss caused, whichever is the greater, plus court costs and  
22 the costs of investigation and prosecution, reasonably incurred.

23 (2) The court shall hold a hearing to determine the amount of the  
24 fine authorized by this subsection.

25 (3) For the purposes of this subsection, “pecuniary value” means:

26 (A) Anything of value in the form of money, a negotiable  
27 instrument, or a commercial interest or anything else the primary  
28 significance of which is economic advantage; and

29 (B) any other property or service that has a value in excess of \$100.

30 (e) For persons arrested and charged under this section, bail shall be  
31 at least \$50,000 cash or surety, unless the court determines on the record  
32 that the defendant is not likely to re-offend, an appropriate intensive  
33 pretrial supervision program is available and the defendant agrees to  
34 comply with the mandate of such pretrial supervision.

35 New Sec. 4. (a) Any district court may, after making due provision  
36 for the rights of innocent persons, enjoin violations of the provisions of  
37 section 3, and amendments thereto, by issuing appropriate orders and  
38 judgments, including, but not limited to:

39 (1) Ordering any defendant to divest such defendant of any interest  
40 in any enterprise, including real property.

41 (2) Imposing reasonable restrictions upon the future activities or  
42 investments of any defendant, including, but not limited to, prohibiting  
43 any defendant from engaging in the same type of endeavor as the

1 enterprise in which the defendant was engaged in violation of the  
2 provisions of section 3, and amendments thereto.

3 (3) Ordering the dissolution or reorganization of any enterprise.

4 (4) Ordering the suspension or revocation of a license, permit, or  
5 prior approval granted to any enterprise by any agency of the state.

6 (5) Ordering the forfeiture of the charter of a corporation organized  
7 under the laws of the state, or the revocation of a certificate authorizing a  
8 foreign corporation to conduct business within the state, upon finding that  
9 the board of directors or a managerial agent acting on behalf of the  
10 corporation, in conducting the affairs of the corporation, has authorized or  
11 engaged in conduct in violation of section 3, and amendments thereto,  
12 and that, for the prevention of future criminal activity, the public interest  
13 requires the charter of the corporation forfeited and the corporation  
14 dissolved or the certificate revoked.

15 (b) All property, real or personal, including money, used in the  
16 course of, intended for use in the course of, derived from, or realized  
17 through conduct in violation of a provision of the Kansas racketeer  
18 influenced and corrupt organization act is subject to civil forfeiture  
19 pursuant to the Kansas standard asset seizure and forfeiture act, K.S.A.  
20 60-4101 et seq., and amendments thereto.

21 New Sec. 5. (a) For the purposes of this section, “attorney” means  
22 the attorney general, assistant attorney general, county attorney or district  
23 attorney, or in the absence of the county or district attorney, a designated  
24 assistant county or district attorney. If an assistant county or district  
25 attorney is designated by the county or district attorney for the purposes  
26 of this section, such designation shall be filed with the chief judge of such  
27 judicial district.

28 (b) If an attorney is informed or has knowledge that a person or other  
29 enterprise has engaged in, or is engaging in, activity in violation of the  
30 Kansas racketeer influenced and corrupt organization act, such attorney  
31 shall be authorized to administer oaths or affirmations, subpoena  
32 witnesses or material, and collect evidence relating to such activity.

33 (c) An attorney may apply ex parte to the district court of the district  
34 in which a subpoenaed person or entity resides, is found or transacts  
35 business, for an order directing that the subpoenaed person or entity not  
36 disclose the existence of the subpoena to any other person or entity  
37 except the subpoenaed person’s attorney for a period of 90 days, which  
38 time may be extended by the court for good cause shown by the attorney.  
39 The order shall be served with the subpoena, and the subpoena shall  
40 include a reference to the order and a notice to the recipient of the  
41 subpoena that disclosure of the existence of the subpoena to any other  
42 person or entity in violation of the order may subject the subpoenaed  
43 person or entity to punishment for contempt of court. Such an order may

1 be granted by the court only upon a showing:

2 (1) Of sufficient factual grounds to reasonably indicate a violation of  
3 the Kansas racketeer influenced and corrupt organization act;

4 (2) that the documents or testimony sought appear reasonably  
5 calculated to lead to the discovery of admissible evidence; and

6 (3) of facts which reasonably indicate that disclosure of the subpoena  
7 would hamper or impede the investigation or would result in a flight from  
8 prosecution.

9 (d) If information or evidence that the attorney seeks to obtain by the  
10 subpoena is located outside the state, the person or enterprise subpoenaed  
11 may make such information or evidence available to the attorney or such  
12 attorney's representative for examination at the place where such  
13 information or evidence is located. The attorney may designate  
14 representatives, including officials of the jurisdiction in which the  
15 information or evidence is located, to inspect the information or evidence  
16 on such attorney's behalf and may respond to similar requests from  
17 officials of other jurisdictions.

18 (e) Upon failure of a person or enterprise, without lawful excuse, to  
19 obey a subpoena issued under this section or a subpoena issued in the  
20 course of a civil proceeding instituted pursuant to section 4, and  
21 amendments thereto, and after reasonable notice to such person or  
22 enterprise, the attorney may apply to the district court in which such civil  
23 proceeding is pending or, if no civil proceeding is pending, to the district  
24 court of the judicial district in which such person or enterprise resides, is  
25 found or transacts business for an order compelling compliance. Except  
26 in a prosecution for perjury, an individual who complies with a court  
27 order to provide testimony or material after asserting a privilege against  
28 self-incrimination to which such individual is entitled by law shall not  
29 have the testimony or material so provided, or evidence derived  
30 therefrom, received against such individual in any criminal investigation  
31 or proceeding.

32 (f) A person who fails to obey a court order entered pursuant to this  
33 section may be adjudged in contempt of court and punished by fine and  
34 imprisonment.

35 Sec. 6. K.S.A. 2010 Supp. 60-4104 is hereby amended to read as  
36 follows: 60-4104. Conduct and offenses giving rise to forfeiture under  
37 this act, whether or not there is a prosecution or conviction related to the  
38 offense, are:

39 (a) All offenses which statutorily and specifically authorize  
40 forfeiture;

41 (b) violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and  
42 amendments thereto;

43 (c) theft which is classified as a felony violation pursuant to ~~K.S.A.~~



1 ~~21-3701~~ *section 87 of chapter 136 of the 2010 Session Laws of Kansas,*  
2 *and amendments thereto, in which the property taken was livestock;*

3 (d) ~~unlawful criminal discharge of a firearm, K.S.A. 21-4219 as~~  
4 *defined in subsections (a)(1) and (a)(2) of section 193 of chapter 136 of*  
5 *the 2010 Session Laws of Kansas, and amendments thereto;*

6 (e) *violations of K.S.A. 2010 Supp. 21-36a16, and amendments*  
7 *thereto;*

8 (f) ~~gambling, K.S.A. 21-4303~~ *section 215 of chapter 136 of the*  
9 *2010 Session Laws of Kansas, and amendments thereto, and commercial*  
10 *gambling, K.S.A. 21-4304 as defined in subsection (a)(1) of section 217*  
11 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*  
12 *thereto;*

13 (g) ~~counterfeiting, K.S.A. 21-3763~~ *section 111 of chapter 136 of the*  
14 *2010 Session Laws of Kansas, and amendments thereto;*

15 (h) ~~violations of K.S.A. 21-4019~~ *section 178 of chapter 136 of the*  
16 *2010 Session Laws of Kansas, and amendments thereto;*

17 (i) ~~medicaid fraud, K.S.A. 21-3844 et seq.~~ *sections 150 through 161*  
18 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*  
19 *thereto;*

20 (j) *an act or omission occurring outside this state, which would be a*  
21 *violation in the place of occurrence and would be described in this section*  
22 *if the act occurred in this state, whether or not it is prosecuted in any*  
23 *state;*

24 (k) *an act or omission committed in furtherance of any act or*  
25 *omission described in this section including any inchoate or preparatory*  
26 *offense, whether or not there is a prosecution or conviction related to the*  
27 *act or omission;*

28 (l) *any solicitation or conspiracy to commit any act or omission*  
29 *described in this section, whether or not there is a prosecution or*  
30 *conviction related to the act or omission;*

31 ~~furthurance of terrorism or illegal use of weapons of mass~~  
32 ~~destruction, K.S.A. 21-3451~~ *violations of section 58 of chapter 136 of the*  
33 *2010 Session Laws of Kansas, and amendments thereto;*

34 (n) *unlawful conduct of dog fighting and unlawful possession of dog*  
35 *fighting paraphernalia, K.S.A. 21-4315 as defined in subsections (a) and*  
36 *(b) of section 225 of chapter 136 of the 2010 Session Laws of Kansas, and*  
37 *amendments thereto;*

38 (o) *unlawful conduct of cockfighting and unlawful possession of*  
39 *cockfighting paraphernalia, K.S.A. 21-4319 as defined in subsections (a)*  
40 *and (b) of section 228 of chapter 136 of the 2010 Session Laws of*  
41 *Kansas, and amendments thereto;*

42 (p) *prostitution, K.S.A. 21-3512 section 229 of chapter 136 of the*  
43 *2010 Session Laws of Kansas, and amendments thereto, promoting*

1 prostitution, ~~K.S.A. 21-3513~~ section 230 of chapter 136 of the 2010  
2 Session Laws of Kansas, and amendments thereto, and patronizing a  
3 prostitute, ~~K.S.A. 21-3515~~ section 231 of chapter 136 of the 2010 Session  
4 Laws of Kansas, and amendments thereto; ~~and~~

5 (q) human trafficking, ~~K.S.A. 21-3446~~, and amendments thereto,  
6 and aggravated human trafficking, ~~K.S.A. 21-3447~~ section 61 of chapter  
7 136 of the 2010 Session Laws of Kansas, and amendments thereto;

8 (r) extortion, section 232 of chapter 136 of the 2010 Session Laws of  
9 Kansas, and amendments thereto;

10 (s) violations of the Kansas racketeer influenced and corrupt  
11 organization act, sections 1 through 5, and amendments thereto.

12 Sec. 7. Section 34 of chapter 136 of the 2010 Session Laws of  
13 Kansas is hereby amended to read as follows: Sec. 34.

14 (a) A conspiracy is an agreement with another person to commit a  
15 crime or to assist in committing a crime. No person may be convicted of a  
16 conspiracy unless an overt act in furtherance of such conspiracy is alleged  
17 and proved to have been committed by such person or by a co-  
18 conspirator.

19 (b) It shall be a defense to a charge of conspiracy that the accused  
20 voluntarily and in good faith withdrew from the conspiracy, and  
21 communicated the fact of such withdrawal to one or more of the accused  
22 person's co-conspirators, before any overt act in furtherance of the  
23 conspiracy was committed by the accused or by a co-conspirator.

24 (c) (1) Conspiracy to commit an off-grid felony shall be ranked at  
25 nondrug severity level 2. Conspiracy to commit any other nondrug felony  
26 shall be ranked on the nondrug scale at two severity levels below the  
27 appropriate level for the underlying or completed crime. The lowest  
28 severity level for conspiracy to commit a nondrug felony shall be a  
29 severity level 10.

30 (2) The provisions of this subsection shall not apply to a violation of  
31 conspiracy to commit the crime of:

32 (A) Aggravated trafficking, as defined in subsection (b) of section 61  
33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
34 thereto, if the offender is 18 years of age or older and the victim is less  
35 than 14 years of age;

36 (B) terrorism pursuant to as defined in section 56 of chapter 136 of  
37 the 2010 Session Laws of Kansas, and amendments thereto, ~~or of;~~

38 (C) illegal use of weapons of mass destruction pursuant to as  
39 defined in section 57 of chapter 136 of the 2010 Session Laws of Kansas,  
40 and amendments thereto;

41 (D) rape, as defined in subsection (a)(3) of section 67 of chapter  
42 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the  
43 offender is 18 years of age or older;

1       (E) *aggravated indecent liberties with a child, as defined in*  
2 *subsection (b)(3) of section 70 of chapter 136 of the 2010 Session Laws*  
3 *of Kansas, and amendments thereto, if the offender is 18 years of age or*  
4 *older;*

5       (F) *aggravated criminal sodomy, as defined in subsection (b)(1) or*  
6 *(b)(2) of section 68 of chapter 136 of the 2010 Session Laws of Kansas,*  
7 *and amendments thereto, if the offender is 18 years of age or older;*

8       (G) *promoting prostitution, as defined in section 230 of chapter 136*  
9 *of the 2010 Session Laws of Kansas, and amendments thereto, if the*  
10 *offender is 18 years of age or older and the prostitute is less than 14*  
11 *years of age;*

12       (H) *sexual exploitation of a child, as defined in subsection (a)(1) or*  
13 *(a)(4) of section 74 of chapter 136 of the 2010 Session Laws of Kansas,*  
14 *and amendments thereto, if the offender is 18 years of age or older and*  
15 *the child is less than 14 years of age; or*

16       (I) *violation of section 3, and amendments thereto.*

17       (d) Conspiracy to commit a felony which prescribes a sentence on  
18 the drug grid shall reduce the prison term prescribed in the drug grid  
19 block for an underlying or completed crime by six months.

20       (e) A conspiracy to commit a misdemeanor is a class C  
21 misdemeanor.

22       Sec. 8. K.S.A. 2010 Supp. 21-3302 and 60-4104 and section 34 of  
23 chapter 136 of the 2010 Session Laws of Kansas are hereby repealed.

24       Sec. 9. This act shall take effect and be in force from and after its  
25 publication in the statute book.