

SENATE BILL No. 60

By Committee on Insurance

1-22

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to jurisdictional application; defining proximate result for purposes of
3 determining when a crime is committed partly within this state;
4 amending K.S.A. 2020 Supp. 21-5106 and repealing the existing
5 section.

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

8 Section 1. K.S.A. 2020 Supp. 21-5106 is hereby amended to read as
9 follows: 21-5106. (a) A person is subject to prosecution and punishment
10 under the law of this state if:

11 (1) The person commits a crime wholly or partly within this state;

12 (2) being outside the state, the person counsels, aids, abets or
13 conspires with another to commit a crime within this state; or

14 (3) being outside the state, the person commits an act which
15 constitutes an attempt to commit a crime within this state.

16 (b) A crime is committed partly within this state if:

17 (1) An act which is a constituent and material element of the offense;

18 (2) an act which is a substantial and integral part of an overall
19 continuing criminal plan; or

20 (3) the proximate result of such act, occurs within the state.

21 (c) If the body of a homicide victim is found within the state, a person
22 who is charged with committing the homicide is subject to prosecution and
23 punishment under the laws of this state for commission of the homicide.

24 (d) A crime which is based on an omission to perform a duty imposed
25 by the law of this state, is committed within the state, regardless of the
26 location of the person omitting to perform such duty at the time of the
27 omission.

28 (e) It is not a defense that the person's conduct is also a crime under
29 the laws of another state or of the United States or of another country.

30 (f) This state includes the land and water and the air space above such
31 land and water with respect to which the state has legislative jurisdiction.

32 (g) Jurisdiction is a question of law to be determined by the court by
33 the preponderance of the evidence.

34 (h) *As used in this section, "proximate result" means any logical*
35 *effect or consequence of such act regardless of whether the statute*
36 *governing the charged offense considers the specific effect or consequence*

1 *of such act.*

2 Sec. 2. K.S.A. 2020 Supp. 21-5106 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.