

Substitute for HOUSE BILL No. 2018

AN ACT concerning crimes, punishment and criminal procedure; creating the crime of interference with the conduct of a religious assembly and providing criminal penalties therefor; providing for a civil cause of action for damages arising from such offense; amending K.S.A. 21-6205 and K.S.A. 2025 Supp. 75-702 and repealing the existing sections.

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

New Section 1. (a) Interference with the conduct of a religious assembly is:

(1) By force, threat of force or by physical obstruction, intentionally injuring, intimidating or interfering with any person lawfully exercising or seeking to exercise the right of religious freedom under the first amendment of the constitution of the United States or under section 3 or section 7 of the bill of rights of the constitution of the state of Kansas at a place of religious worship; or

(2) recklessly damaging, defacing or destroying the property of a place of religious worship by means other than by fire or explosive.

(b) Aggravated interference with the conduct of a religious assembly is interference with the conduct of a religious assembly as defined in subsection (a)(1) when in possession of any firearm or weapon that is an offense under K.S.A. 21-6301 or 21-6302, and amendments thereto.

(c) (1) Interference with the conduct of a religious assembly as defined in subsection (a)(1) is:

(A) A severity level 10, person felony, except as provided in subsection (c)(1)(B); and

(B) a severity level 6, person felony for a second or subsequent conviction.

(2) interference with the conduct of a religious assembly as defined in subsection (a)(2) is a:

(A) Class A nonperson misdemeanor if the property that is damaged, defaced or destroyed has a value of less than \$1,000;

(B) severity level 9, nonperson felony if the property that is damaged, defaced or destroyed has a value of \$1,000 or more but less than \$25,000; and

(C) severity level 7, nonperson felony if the property that is damaged, defaced or destroyed has a value of \$25,000 or more.

(3) Aggravated interference with the conduct of a religious assembly as defined in subsection (b) is a severity level 4, person felony.

(d) As used in this section:

(1) "Interfere with" means to restrict a person's freedom of movement;

(2) "intimidate" means to place a person in reasonable apprehension of bodily harm to such person or to another person; and

(3) "physical obstruction" means rendering impassable ingress to or egress to or from a place of religious worship, or rendering passage to or from such place of religious worship unreasonably difficult or hazardous.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

New Sec. 2. (a) A person injured as a result of the conduct of another that would constitute conduct prohibited by section 1, and amendments thereto, may bring an action in an appropriate state court against the person or persons who engaged in such conduct.

(b) In any action brought under this section, a prevailing plaintiff may be awarded actual damages, punitive damages in an amount up to three times the actual damages such person sustained and the cost of the suit, including reasonable attorney's fees. In lieu of actual damages, the plaintiff may elect to seek statutory damages in the amount of \$5,000 for each violation. A court may also award any equitable or injunctive relief as the court deems appropriate.

(c) Notwithstanding any other provision of law, any action commenced under this section shall be filed within five years after the later of:

(1) The date of discovery of the violation of section 1, and amendments thereto; or

(2) the conclusion of a related criminal case.

(d) (1) At the victim's request, or upon the attorney general's own determination, the attorney general may pursue cases on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the attorney general may seek reasonable attorney's fees and costs.

(2) In the interest of vindicating public interest, the court in any action brought under this subsection may, in addition to any damages or other relief awarded to the plaintiff, assess a civil penalty against each respondent in the amount of:

(A) \$10,000 for a first nonviolent violation of section 1(a)(1), and amendments thereto, and \$15,000 for a first violation of any other provision of section 1, and amendments thereto; and

(B) \$15,000 for a second or subsequent nonviolent violation of section 1(a)(1), and amendments thereto, and \$25,000 for a second or subsequent violation of any other provision of section 1, and amendments thereto.

(e) This section does not preclude any other remedy available to the victim under federal law or law of this state.

Sec. 3. K.S.A. 21-6205 is hereby amended to read as follows: 21-6205. (a) Criminal desecration is:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being; or

(2) recklessly, by means other than by fire or explosive:

(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;

(B) damaging, defacing or destroying any public monument or structure; *or*

(C) damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; ~~or~~

~~(D) damaging, defacing or destroying any place of worship.~~

(b) Criminal desecration as defined in:

(1) ~~Subsections~~ *Subsection* (a)(2)(B); *or* (a)(2)(C) ~~or (a)(2)(D)~~ if the property is damaged to the extent of:

(A) \$25,000 or more is a severity level 7, nonperson felony;

(B) at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony; and

(C) less than \$1,000 is a class A nonperson misdemeanor; and

(2) ~~subsections~~ *subsection* (a)(1) or (a)(2)(A) is a class A nonperson misdemeanor.

Sec. 4. K.S.A. 2025 Supp. 75-702 is hereby amended to read as follows: 75-702. (a) The attorney general shall appear for the state, and prosecute and defend any and all actions and proceedings, civil or criminal, in the Kansas supreme court, the Kansas court of appeals and in all federal courts, in which the state shall be interested or a party, and shall, when so appearing, control the state's prosecution or defense.

(b) The attorney general shall also, when required by the governor or either branch of the legislature, appear for the state and prosecute or defend, in any other court or before any officer, in any cause or matter, civil or criminal, in which this state may be a party or interested or when the constitutionality of any law of this state is at issue and when so directed shall seek final resolution of such issue in the supreme court of the state of Kansas.

(c) (1) The attorney general shall have authority to prosecute any matter related to a violation of K.S.A. 12-189 or 75-5133, and amendments thereto, related to unlawful acts when the offender is an officer or employee of a city or county.

(2) Notwithstanding any provision of law to the contrary, the

attorney general shall have concurrent authority with any county or district attorney to prosecute the following crimes when they are part of an alleged course of criminal conduct that occurred in two or more counties:

- (A) Organized retail crime as defined in K.S.A. 2025 Supp. 21-5841, and amendments thereto, and any other crime that is part of such alleged course of criminal conduct;
- (B) theft as defined in K.S.A. 21-5801, and amendments thereto;
- (C) violations of the Kansas racketeer influenced and corrupt organizations act, K.S.A. 21-6327 et seq., and amendments thereto;~~and~~
- (D) *interference with the conduct or a religious assembly and aggravated interference with the conduct of a religious assembly as defined in section 1, and amendments thereto; and*
- (E) any attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of the crimes described in subsection (c)(2)(A), (c)(2)(B)~~or~~, (c)(2)(C) *or (c)(2)(D).*

Sec. 5. K.S.A. 21-6205 and K.S.A. 2025 Supp. 75-702 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

HOUSE BILL No. 2347

AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against public morals; requiring certain offenders to complete an educational or treatment program regarding commercial sexual exploitation and requiring the attorney general to approve such programs in consultation with the office of judicial administration; creating the crime of unlawful use of a laser pointer and providing criminal penalties therefor; removing provisions regarding city ordinances prohibiting buying sexual relations and increasing the criminal penalties therefor; relating to theft; changing the culpability required for certain types of theft; increasing the criminal penalty when the property is a motor vehicle of the value of at least \$500 but less than \$1,500; modifying criminal use of a financial card to include certain conduct involving gift cards; amending K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-5801, 21-5828, 21-6421, 21-6422 and 22-2909 and repealing the existing sections.

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

New Section 1. (a) On or before July 1, 2027, the attorney general, in consultation with the office of judicial administration, shall approve one or more educational or treatment programs regarding commercial sexual exploitation for use under K.S.A. 21-5426, 21-6421, 21-6422 and 22-2909, and amendments thereto, and as otherwise permitted by law.

(b) (1) In accordance with the provisions of the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto, the attorney general shall adopt, amend and revoke rules and regulations governing the educational or treatment programs described in subsection (a), including, but not limited to:

(A) Criteria for the evaluation, approval and monitoring of such programs;

(B) any form required to implement such programs;

(C) any requirements for staff who will be directly providing services to clients of such programs; and

(D) any report, record or other information that may be required to be kept and maintained by such programs.

(2) On or before January 1, 2027, the attorney general shall adopt rules and regulations required for the approval and operation of the educational or treatment programs described in subsection (a).

New Sec. 2. (a) Unlawful use of a laser pointer is knowingly directing light from a laser pointer at:

(1) A law enforcement officer while such officer is engaged in the performance of such officer's duties; or

(2) an aircraft in flight or the flight path of an aircraft.

(b) Unlawful use of a laser pointer as defined in:

(1) Subsection (a)(1) is a class A person misdemeanor; and

(2) subsection (a)(2) is a severity level 9, person felony.

(c) The provisions of subsection (a)(2) shall not apply to:

(1) Any person who is authorized by an aircraft manufacturer or the federal aviation administration to conduct research and development or flight test operations while such person is conducting research and development or flight test operations;

(2) members or elements of the department of defense or department of homeland security acting in an official capacity for the purpose of research, development, operations, testing or training; or

(3) an individual using a laser emergency signaling device to send an emergency distress signal.

(d) As used in this section, "laser pointer" means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

(e) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for assault or battery.

(f) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 12-4106 is hereby amended to read as follows: 12-4106. (a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge, and may fine or imprison for contempt in the same manner and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and

\$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by K.S.A. 75-758, and amendments thereto.

(5) In addition to any other sentence imposed, for any conviction under this section,:

(A) *Occurring prior to July 1, 2027, the court may order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child; and*

(B) *occurring on or after July 1, 2027, the court may order the person convicted to enter into and complete an educational or treatment program approved by the attorney general pursuant to section 1, and amendments thereto, regarding commercial sexual exploitation.*

(d) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of aggravated human trafficking pursuant to this section;

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of aggravated human trafficking pursuant to this section; and

(3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of aggravated human trafficking pursuant to this section.

(e) It shall be an affirmative defense to any prosecution under subsection (b)(4) or (5) that the defendant:

- (1) Was under 18 years of age at the time of the violation; and
- (2) committed the violation because such defendant, at the time of the violation, was subjected to human trafficking or aggravated human trafficking, as defined by this section.

(f) It shall not be a defense to a charge of aggravated human trafficking, as defined in subsection (b)(4) or (5), that:

(1) The victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another; or

(2) the offender had no knowledge of the age of the victim.

(g) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or for any form of homicide.

(h) The provisions of this section shall not apply to the use of the labor of any person incarcerated in a state or county correctional facility or city jail.

(i) As used in this section:

- (1) "Child" means a person under 18 years of age; and
- (2) "peonage" means a condition of involuntary servitude in which the victim is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.

Sec. 7. K.S.A. 21-5801 is hereby amended to read as follows: 21-5801. (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services, by deception;

(3) obtaining control over property or services, by threat;

(4) obtaining control over stolen property or services knowing, *or having reason to know*, the property or services ~~to have been~~ were stolen ~~by~~ from another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment

without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of \$100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least \$25,000 but less than \$100,000 is a severity level 7, nonperson felony;

(3) property or services of the value of at least \$1,500 but less than \$25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7);

(4) property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6), (b)(7) or (b)(8);

(5) property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times;

(7) property that is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony; ~~and~~

(8) property that is mail of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony

; and

(9) *property that is a motor vehicle of the value of at least \$500 but less than \$1,500 is a severity level 10, nonperson felony.*

(c) As used in this section:

(1) "Conviction" or "convicted" includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) "mail" means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;

(3) "regulated scrap metal" means the same as defined in K.S.A. 50-6,109, and amendments thereto;

(4) "remote service unit" means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and

(5) "value" means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.

Sec. 8. K.S.A. 21-5828 is hereby amended to read as follows: 21-5828. (a) Criminal use of a financial card *or gift card* is any of the following acts done with intent to defraud and to obtain money, goods, property or services:

(1) Using a financial card without the consent of the cardholder;

(2) using a financial card, or the number or description thereof, which has been revoked or canceled; ~~or~~

(3) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof;

(4) *acquiring or retaining possession of a gift card or gift card redemption information without the consent of the cardholder, gift card issuer or gift card seller; or*

(5) *altering or tampering with a gift card.*

(b) Criminal use of a financial card *or gift card* is a:

(1) Severity level 7, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of \$25,000 or more;

(2) severity level 9, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of at least \$1,000 but less than \$25,000; and

(3) class A nonperson misdemeanor if the money, goods, property or services obtained within a seven-day period are of the value of less than \$1,000.

(c) As used in this section:

(1) *"Cardholder" means:*

(A) *The person or entity to whom or for whose benefit a financial card is issued; or*

(B) *the person to whom a physical or virtual gift card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a gift card to another person;*

(2) *"closed-loop gift card" means a card, code or device that is issued to a consumer on a prepaid basis primarily for personal, family or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and is redeemable upon presentation by a consumer at a single merchant or group of affiliated merchants;*

(3) *"financial card" means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions; and*

~~(2) "cardholder" means the person or entity to whom or for whose benefit a financial card is issued~~

(4) *"gift card" means a physical or digital closed-loop gift card or open-loop gift card that is either activated or inactivated;*

(5) *"gift card issuer" means any person that issues a gift card or the agent of that person with respect to such card;*

(6) *"gift card redemption information" means information unique to each gift card that allows the cardholder to access, transfer or spend the funds on such gift card;*

(7) *"gift card seller" means a merchant that is engaged in the business of selling gift cards to consumers; and*

(8) *"open-loop gift card" means a card, code or device that is issued to a consumer on a prepaid basis primarily for personal, family or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and is redeemable upon presentation at multiple unaffiliated merchants for goods or services within the payment card network.*

(d) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

Sec. 9. K.S.A. 21-6421 is hereby amended to read as follows: 21-6421. (a) Buying sexual relations is knowingly:

(1) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or

(2) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.

(b) (1) Buying sexual relations is a:

~~(A) Class A person misdemeanor, except as provided in subsection (b)(1)(B); and~~

~~(B) severity level 9, person felony when committed by a person~~

Sec. 12. K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-5801, 21-5828, 21-6421, 21-6422 and 22-2909 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended_____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

Senate Substitute for HOUSE BILL No. 2372

AN ACT concerning law enforcement; creating the crime of unlawful approach of a first responder and providing penalties therefor; requiring traffic laws that apply to local and state law enforcement to apply to federal law enforcement; including federal law enforcement in the definitions used in the crime of interference with law enforcement; including buildings owned by the United States in the crime of interference with the conduct of public business in public buildings; including enforcement of federal laws and executive orders in the exceptions from liability in the tort claims act; relating to the enforcement of detainers issued by the United States immigration and customs enforcement by a county sheriff operating a county jail; requiring municipal insurance pools to provide coverage of law enforcement agencies enforcing federal law; requiring the state to pay certain judgments in federal civil actions and provide legal representation by the attorney general; exempting section 287(g) agreements from certain provisions of the interlocal cooperation act; amending K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 and repealing the existing sections.

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

New Section 1. (a) Any sheriff or keeper of the jail operating a jail pursuant to K.S.A. 19-1901, and amendments thereto, has authority to detain a person with:

(1) A facially sufficient immigration detainer request issued by the United States immigration and customs enforcement (ICE) on form I-247A issued pursuant to 8 U.S.C. §§ 1226 and 1357 and hold such person without criminal charges for the purpose of transferring custody to the United States immigration and customs enforcement; or

(2) a warrant as described in subsection (c).

(b) An immigration detainer request form I-247A presented to a jail as provided in subsection (a)(1) is deemed facially sufficient if either of the following applies:

(1) The United States immigration and customs enforcement form I-247A presented to law enforcement:

(A) Clearly states the identity of the person to be detained;

(B) has box 1, statement of probable cause, or box 2, transfer of custody, completed; and

(C) is signed by a United States immigration and customs enforcement official; or

(2) the United States immigration and customs enforcement form I-247A meets the requirements of subsections (b)(1)(A) and (C) but not subsection (b)(1)(B) and is supported by a signed warrant as described in subsection (c) or other affidavit or official documentation provided to the sheriff or keeper of the jail stating the United States immigration and customs enforcement has probable cause to believe that the person to be detained is unlawfully present in the United States.

(c) A warrant shall satisfy subsection (a)(2) or (b)(2) if it includes:

(1) A United States department of homeland security form I-200, warrant for arrest of alien; or

(2) a United States immigration and customs enforcement form I-205, warrant of removal or a successor warrant or other warrant authorized by federal law.

(d) After reviewing the form I-247A and finding that such form complies with the requirements of subsection (b), a sheriff or keeper of the jail operating a jail having custody of a person under the authority of subsection (a) shall:

(1) Inform the person that such person is being held pursuant to an immigration detainer request issued by the United States immigration and customs enforcement;

(2) provide a copy of the form I-247A to the person being held as soon as practicable;

(3) inform the United States immigration and customs enforcement that such person is in the custody of the sheriff or keeper of the jail on an immigration detainer; and

(4) complete the law enforcement agency section of the form I-247A and submit such form to the United States immigration and

immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) and such law enforcement agency was acting in good faith to hold a person under authority of a detainer request issued by the United States immigration and customs enforcement, the attorney general shall provide legal representation at any habeas corpus hearing held in such action.

New Sec. 5. (a) Unlawful approach of a first responder is knowingly:

(1) Approaching or remaining within 25 feet of an individual whom the person knows or reasonably should have known is a first responder;

(2) while such first responder is engaged in the performance of such first responder's duties;

(3) after receiving a visual or audible signal not to approach or remain within 25 feet of such first responder given by a first responder because of a reasonable belief, under the totality of the circumstances, that separation is necessary for the safety of any person or property; and

(4) causing such first responder to:

(A) Be distracted from performing such first responder's duties; or

(B) have an increased level of concern of physical harm to any person or damage to property.

(b) Unlawful approach of a first responder is a class B person misdemeanor.

(c) As used in this section:

(1) "First responder" means a law enforcement officer, an emergency medical services provider as defined in K.S.A. 65-6112, and amendments thereto, or a firefighter as defined in K.S.A. 40-1709, and amendments thereto; and

(2) "law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto, and any federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.

(d) Nothing in this section shall grant law enforcement authority to a federal law enforcement officer.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 6. K.S.A. 2025 Supp. 8-1102 is hereby amended to read as follows: 8-1102. (a) (1) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the public agency having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle.

(2) Any motor vehicle that has been impounded as provided in this section for 30 days or more shall be disposed of in the following manner:

(A) If such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with the division, the public agency shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such agency took possession of the vehicle. The public agency shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county where the title shows the owner resides, if registered in this state. The notice shall state that if the owner or lienholder does not claim such motor

lessee of such vehicle shall be guilty of criminal trespass, as defined in K.S.A. 21-5808, and amendments thereto, and upon request of the owner or occupant of such real property, the public agency in whose jurisdiction such property is situated may remove and dispose of such vehicle in the manner provided in subsection (a), except that the provisions of subsection (a) requiring that a motor vehicle be abandoned for a period of time in excess of 48 hours prior to its removal shall not be applicable to abandoned vehicles that are subject to the provisions of this subsection. Any person removing such vehicle from the real property at the request of such public agency shall have a possessory lien on such vehicle for the costs incurred in removing, towing and storing such vehicle.

(c) Whenever any motor vehicle has been left unattended for more than 48 hours or when any unattended motor vehicle interferes with public highway operations *or any law enforcement operations*, any law enforcement officer is hereby authorized to move such vehicle or cause to have the vehicle moved as provided in K.S.A. 8-1103 et seq., and amendments thereto.

(d) The notice provisions of this section shall apply to any motor vehicle that has been impounded as provided in K.S.A. 8-1567, and amendments thereto.

(e) Any person attempting to recover a motor vehicle impounded as provided in this section or in accordance with a city ordinance or county resolution providing for the impoundment of motor vehicles, shall show proof of valid registration and ownership of the motor vehicle to the public agency before obtaining the motor vehicle. In addition, the public agency may require payment of all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to release of the motor vehicle.

(f) *As used in this section, "law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto, and any federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

(g) *Nothing in this section shall grant law enforcement authority to a federal law enforcement officer.*

Sec. 7. K.S.A. 8-1404 is hereby amended to read as follows: 8-1404. "Authorized emergency vehicle" means such fire department vehicles or police bicycles or police vehicles ~~which~~ *that* are publicly owned, *including law enforcement vehicles owned by the federal government*; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles ~~which~~ *that* are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

Sec. 8. K.S.A. 8-2010 is hereby amended to read as follows: 8-2010. (a) Any particular vehicle listed in ~~subsection (b)~~ of K.S.A. 8-2010a(b), and amendments thereto, shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to K.S.A. 8-2010a, and amendments thereto and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

the interlocal cooperation act.

(d) Any such agreement shall specify the following:

(1) Its duration;

(2) the precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto;

(3) its purpose or purposes;

(4) the manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(6) any other necessary and proper matters.

(e) In addition to the requirements of subsection (d), if the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement also shall contain the following:

(1) Provision for an administrator or a joint board or one of the participating public agencies to be responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented; and

(2) the manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(f) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law, except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

(g) Every agreement made hereunder, except: (1) Agreements between two or more public agencies establishing a council or other organization of local governments for the study of common problems of an area or region and for the promotion of intergovernmental cooperation; and (2) agreements entered into regarding joint or cooperative action that are subject to the oversight and regulation of a Kansas regulatory agency, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general, who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted hereunder unless the attorney general shall find that ~~it~~ *such agreement* does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(h) For the purposes of entering an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g), a sheriff shall be exempt from subsections (a), (b) and (c) and may sign such agreement without further authorization of the board of county commissioners.

Sec. 10. K.S.A. 21-5904 is hereby amended to read as follows: 21-5904. (a) Interference with law enforcement is:

(1) Falsely reporting to a law enforcement officer, law enforcement agency or state investigative agency:

(A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(B) that a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(C) any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or

(D) any information concerning the death, disappearance or potential death or disappearance of a child under the age of 13, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(2) concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person;

(3) knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty; or

(4) knowingly fleeing from a law enforcement officer, other than fleeing by operation of a motor vehicle, when the law enforcement officer has:

(A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and

(B) given the person visual or audible signal to stop.

(b) Interference with law enforcement as defined in:

(1) Subsection (a)(1)(A) and (a)(1)(B) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(1)(B); and

(B) severity level 8, nonperson felony in the case of a felony;

(2) subsection (a)(1)(C) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and

(B) severity level 9, nonperson felony in the case of a felony;

(3) subsection (a)(1)(D) is a severity level 8, nonperson felony;

(4) subsection (a)(2) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(4)(B); and

(B) severity level 8, nonperson felony in the case of a felony;

(5) subsection (a)(3) is a:

(A) Severity level 9, nonperson felony in the case of a felony, or resulting from parole or any authorized disposition for a felony; and

(B) class A nonperson misdemeanor in the case of a misdemeanor, or resulting from any authorized disposition for a misdemeanor, or a civil case; and

(6) subsection (a)(4) is a:

(A) Class A nonperson misdemeanor in the case of a misdemeanor, or resulting from any authorized disposition for a misdemeanor, or a civil case;

(B) severity level 7, nonperson felony in the case of a felony, or resulting from parole or any authorized disposition for a felony; and

(C) severity level 5, nonperson felony if the offender discharged or used a firearm while fleeing.

(c) *As used in this section:*

(1) *"Any person authorized by law" includes, but is not limited to, a law enforcement officer as defined in paragraph (2); and*

(2) *"law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto, and any federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

(d) *Nothing in this section shall grant law enforcement authority*

to a federal law enforcement officer.

Sec. 11. K.S.A. 21-5922 is hereby amended to read as follows: 21-5922. (a) Interference with the conduct of public business in public buildings is:

(1) Conduct at or in any public building owned, operated or controlled by the *United States, the* state or any of its political subdivisions so as to knowingly deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, to use the facilities or to leave any such public building;

(2) knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof;

(3) knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or such officer's designee, charged with maintaining order in such public building, if such person is committing, threatens to commit or incites others to commit, any act ~~which~~ *that* did or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such public building;

(4) knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any *such* public building by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body or any official engaged in the performance of duties at such meeting or session; or

(5) knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.

(b) Aggravated interference with the conduct of public business is interference with the conduct of public business in public buildings, as defined in subsection (a), when in possession of any firearm or weapon as described in K.S.A. 21-6301 or 21-6302, and amendments thereto.

(c) (1) Interference with the conduct of public business in public buildings is a class A nonperson misdemeanor.

(2) Aggravated interference with the conduct of public business is a level 6, person felony.

(d) *Nothing in this section shall grant law enforcement authority to a federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

Sec. 12. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as follows: 75-6104. (a) A governmental entity or an employee acting within the scope of the employee's employment shall not be liable for damages resulting from:

(1) Legislative functions, including, but not limited to, the adoption or failure to adopt any statute, regulation, ordinance or resolution;

(2) judicial function;

(3) enforcement of or failure to enforce a law, whether valid or invalid, including, but not limited to;

(A) Any statute, rule and regulation, ordinance or resolution; *or*

(B) *any federal law or executive order;*

(4) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy ~~which~~ *that* protects persons' health or safety unless a duty of care, independent of such policy, is owed to the

shall not be construed to preclude, prohibit or otherwise limit a claim for damages arising from childhood sexual abuse as defined in K.S.A. 60-523, and amendments thereto. Failure of a governmental entity to adopt or enforce a policy, regulation or law related to childhood sexual abuse and failure to exercise reasonable discretion in the supervision of a governmental employee who commits childhood sexual abuse may be considered by the trier of fact in determining the question of a governmental entity's negligence.

Sec. 13. K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

HOUSE BILL No. 2413

AN ACT concerning crimes, punishment and criminal procedure; providing for enhanced criminal penalties for offenses committed with the intent to commit transnational repression; requiring the development of transnational repression recognition and response training; relating to theft; providing that theft of livestock or implements of husbandry is a severity level 5, nonperson felony; providing that theft of grain or hay is a severity level 6, nonperson felony; relating to cruelty to animals; providing that certain portions of such crime do not apply to any person who catches a feral cat to provide vaccination, spaying or neutering and returns such cat back to the location where such cat is caught; allowing for the forfeiture of certain property used in the commission of theft of an implement of husbandry; amending K.S.A. 21-5801, 21-6412 and 22-4807a and K.S.A. 2025 Supp. 21-6804 and repealing the existing sections.

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

New Section 1. (a) The purpose of this section is to counter the threat and practice of transnational repression committed by foreign governments or foreign terrorist organizations against the citizens and residents of this state.

(b) As used in this section:

(1) "Agent" means a person directed or controlled by a foreign principal, including any person acting as a proxy for a person who is directed or controlled by a foreign principal.

(2) "Foreign adversary" means the following:

(A) (i) People's republic of China, including the Hong Kong special administrative region;

(ii) republic of Cuba;

(iii) islamic republic of Iran;

(iv) democratic people's republic of Korea;

(v) Russian federation;

(vi) Bolivarian republic of Venezuela; and

(vii) any organization that is designated as a foreign terrorist organization as of July 1, 2026, pursuant to 8 U.S.C. § 1189, as in effect on July 1, 2026, except as otherwise provided by rules and regulations adopted by the fusion center oversight board pursuant to subsection (e).

(B) "Foreign adversary" does not include the republic of China (Taiwan).

(3) "Foreign principal" means:

(A) The government or any official of the government of a foreign adversary;

(B) a political party or member of a political party or any subdivision of a political party of a foreign adversary;

(C) (i) a partnership, association, corporation, organization or other combination of persons:

(a) Organized under the laws of a foreign adversary;

(b) having its principal place of business in a foreign adversary; or

(c) owned or controlled, in whole or in part, by any person, entity or combination of persons or entities of a foreign adversary; or

(ii) a subsidiary of any such person.

(4) "Transnational repression" means actions and behaviors that are committed by an agent of a foreign principal, whether committed within or outside the jurisdiction of a foreign adversary, that emanate from or are attributable to such foreign principal and that are committed with the intention of harassment, intimidation, censorship or otherwise extending the ability of the foreign principal to influence, control or impose such foreign principal's preferences on the behavior of individuals outside the jurisdiction of the foreign adversary associated with the foreign principal either directly through physical contact, threats or electronic targeting or through indirect means, such as the actual or credible threat of collective punishment or harassment of individuals under the foreign adversary's effective control, financial coercion, abuse of administrative processes, selective prosecution of laws of general application or the use or direction of social media and telecommunications entities.

(c) A person commits a crime with the intent to commit transnational repression if such crime is:

include information on transnational repression in campus disciplinary policies and provide for direct complaints of transnational repression to be made to a university liaison.

Sec. 2. K.S.A. 21-5801 is hereby amended to read as follows: 21-5801. (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services; by deception;

(3) obtaining control over property or services; by threat;

(4) obtaining control over stolen property or services knowing the property or services to have been stolen by another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of \$100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least \$25,000 but less than \$100,000 is a severity level 7, nonperson felony, *except as provided in subsection (b)(9) or (b)(10)*;

(3) property or services of the value of at least \$1,500 but less than \$25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7), (b)(9) or (b)(10);

(4) property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6), (b)(7)-~~or~~, (b)(8), (b)(9) or (b)(10);

(5) property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times, *except as provided in subsection (b)(9) or (b)(10)*;

(7) property that is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony; ~~and~~

(8) property that is mail of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(9) *property that is livestock or an implement of husbandry is a severity level 5, nonperson felony; and*

(10) *property that is grain or hay is a severity level 6, nonperson felony.*

(c) As used in this section:

(1) "Conviction" or "convicted" includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance ~~which that~~ prohibits the acts that this section prohibits;

(2) "grain" means at least 400 bushels of:

(A) Barley, corn, flaxseed, oats, rye, sorghum, soybeans or wheat;

(B) any other food grains, feed grains and oilseeds subject to standards under 7 U.S.C. Ch. 3, as in effect on July 1, 2026; or

(C) *any mix of the above;*

(3) *"hay" means at least 20,000 pounds of alfalfa, brome, clover or prairie hays or all other grasses or plants that are harvested for forage;*

~~(2)~~(4) *"implement of husbandry" means the same as defined in K.S.A. 8-126, and amendments thereto;*

(5) *"livestock" means cattle or horses;*

(6) *"mail" means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;*

~~(3)~~(7) *"regulated scrap metal" means the same as defined in K.S.A. 50-6,109, and amendments thereto;*

~~(4)~~(8) *"remote service unit" means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and*

~~(5)~~(9) *"value" means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.*

Sec. 3. K.S.A. 21-6412 is hereby amended to read as follows: 21-6412. (a) Cruelty to animals is:

(1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

(2) knowingly abandoning any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(5) knowingly but not maliciously killing or injuring any animal; or

(6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:

(1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and

(2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and

(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or

parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) bona fide experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time that may be found outside of the owned or rented property of the owner or custodian of such animal and that is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) *The provisions of subsections (a)(2) and (a)(3) shall not apply to any person who catches a feral cat to provide vaccination, spaying or neutering and returns such cat back to the location where such cat is caught after providing the vaccination, spaying or neutering.*

(e) The provisions of subsection (a)(6) shall not apply to any person ~~exposing~~ *who exposes* poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

~~(e)(f)~~ Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor,

veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

~~(f)~~(g) The owner or custodian of an animal transferred pursuant to subsection ~~(e)~~ (f) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

~~(g)~~(h) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection ~~(e)~~ (f), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection ~~(e)~~ (f) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

~~(h)~~(i) If a person is ~~adjudicated guilty of the crime~~ convicted of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

~~(i)~~(j) As used in this section:

(1) "Animal shelter" means the same as ~~such term is~~ defined in K.S.A. 47-1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; ~~and~~

(3) *"feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal; and*

(4) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

Sec. 4. K.S.A. 2025 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

doubt that an offender committed any offense or any attempt or conspiracy as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit any offense with the intent to commit transnational repression as described in section 1(d), and amendments thereto, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

Sec. 5. K.S.A. 22-4807a is hereby amended to read as follows: 22-4807a. (a) The following property is subject to forfeiture pursuant to this act:

(1) Contraband property used or intended to be used in the commission of theft of livestock *or an implement of husbandry*;

(2) the proceeds gained from the commission of theft of livestock *or an implement of husbandry*;

(3) personal property acquired with proceeds gained from the commission of theft of livestock *or an implement of husbandry*;

(4) all conveyances, including aircraft, vehicles, vessels, *or horses or dogs which* ~~that~~ are used or intended for the use to transport or in any manner to facilitate the transportation for the purpose of the commission of theft of livestock *or an implement of husbandry*. No conveyance used by any person as a common carrier in the transportation of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owners thereof to have been committed or omitted without the owners knowledge or consent. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party or parties;

(5) all books, records and research products and materials ~~including microfilm, tapes and data which~~, *whether in a physical or electronic format*, that are used or intended for the use in the theft of livestock *or an implement of husbandry*;

(6) everything of value furnished; *or* intended to be furnished or traded or used as payment or invested for anything of value but shall not include real property. It may be presumed that ~~this~~ *the* property was acquired with proceeds gained from the commission of theft of livestock *or an implement of husbandry* and are subject to forfeiture.

(b) Property ~~which~~ *that* is used in the commission of theft of livestock ~~which~~ *or an implement of husbandry* ~~that~~ has title of ownership with two parties on the title or a cosigner is subject to forfeiture; if one party on the title uses the property in the commission of theft of livestock *or an implement of husbandry* or receives titled

property as the proceeds of such felony even if the second party claims that such second party did not have knowledge or involvement in such felony.

(c) As used in this act:

(1) "Contraband property" means property of any nature including personal, tangible or intangible but ~~shall~~ *does* not include real property.

(2) *"Implement of husbandry" means the same as defined in K.S.A. 8-126, and amendments thereto.*

(3) ~~"Livestock" means cattle, swine, sheep, goats, or horses, mules, domesticated deer and all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas, and any carcass, skin or part of such animal.~~

~~(3)(4) "Theft of livestock" means theft which is classified as a felony violation, pursuant to the same as defined in K.S.A. 21-5801, and amendments thereto, in which the property taken was livestock.~~

~~(4) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.~~

Sec. 6. K.S.A. 21-5801, 21-6412 and 22-4807a and K.S.A. 2025 Supp. 21-6804 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

HOUSE BILL No. 2479

AN ACT concerning crimes, punishment and criminal procedure; relating to release of persons prior to trial; authorizing electronic monitoring with victim notification as a condition of release for certain offenders charged with a domestic violence offense, domestic battery, stalking or violation of a protective order; modifying the culpable mental state required to commit the crime of breach of privacy and increasing the criminal penalties for certain violations of such crime and attempt, conspiracy or criminal solicitation of certain violations of such crime; modifying the elements of the crime of blackmail related to threatened dissemination of any image, video or other recording of another identifiable person who is nude or engaged in sexual activity by changing the connection to breach of privacy and describing the content of the image, video or other recording; describing who is a person in a position of authority for a school for the crime of unlawful sexual relations; increasing the penalties for the crimes of endangering a child and aggravated endangering a child if the child is less than six years of age; amending K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 and repealing the existing sections.

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

New Section 1. (a) (1) If a magistrate is required to consider ordering electronic monitoring with victim notification pursuant to K.S.A. 22-2802, and amendments thereto, the magistrate may order such electronic monitoring pursuant to this section as a condition of release.

(2) Nothing in this section shall be construed as limiting a magistrate's authority to order electronic monitoring of a person without victim notification pursuant to K.S.A. 22-2802, and amendments thereto.

(b) In determining whether to order electronic monitoring of a person with victim notification, a magistrate may hold a hearing to consider the likelihood that the person's participation in electronic monitoring will deter the person from injuring a protected person. The magistrate shall consider the following factors:

(1) The gravity and seriousness of harm that the person inflicted on another person in the commission of any act of domestic violence;

(2) the person's previous history of domestic violence;

(3) the person's history of other criminal acts, if any;

(4) the person has access to a weapon;

(5) whether the person has threatened suicide or homicide;

(6) the person has a history of mental illness or has been civilly committed; and

(7) whether the person has a history of alcohol or substance abuse.

(c) Electronic monitoring with victim notification shall be ordered only with the protected person's informed consent after such person is given the following information:

(1) The protected person's right to refuse to participate in such monitoring and the process for requesting that the magistrate terminate such participation after monitoring has been ordered;

(2) the manner in which the electronic monitoring technology functions and the risks and limitations of such technology;

(3) the boundaries imposed on the person being monitored during the electronic monitoring;

(4) the sanctions that the magistrate may impose for violations of the magistrate's orders;

(5) the procedure that the protected person is to follow if the person being monitored violates an order or the electronic monitoring equipment fails;

(6) identification of support services available to assist the protected person in developing a safety plan to use if the person being monitored violates an order or the electronic monitoring equipment fails;

(7) identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation and other help in addressing the consequences and effects of domestic violence; and

(8) the nonconfidential nature of the protected person's communications with the magistrate concerning electronic monitoring and the restrictions to be imposed upon the monitored person's

~~amendments thereto;~~

~~(8) "institution" means the same as in K.S.A. 76-12a01, and amendments thereto;~~

~~(9) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;~~

~~(10) "Community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 38-2301 et seq., and amendments thereto;~~

~~(2) "correctional institution" means the same as defined in K.S.A. 75-5202, and amendments thereto;~~

~~(H)(3) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;~~

~~(4) "inmate" means the same as defined in K.S.A. 75-5202, and amendments thereto;~~

~~(5) "institution" means the same as defined in K.S.A. 76-12a01, and amendments thereto;~~

~~(H)(6) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the department of corrections; and~~

~~(7) "juvenile correctional facility" means the same as defined in K.S.A. 38-2302, and amendments thereto;~~

~~(8) "juvenile detention facility" means the same as defined in K.S.A. 38-2302, and amendments thereto;~~

~~(9) "parole officer" means the same as defined in K.S.A. 75-5202, and amendments thereto;~~

~~(10) "person in a position of authority for a school" includes, but is not limited to, any person who is:~~

~~(A) Not a student enrolled at the school;~~

~~(B) delegated authority by the school to interact with students; and~~

~~(C) (i) a volunteer for the school who is 21 years of age or older;~~

~~(ii) designated or assigned through such person's employment to provide services for the school; or~~

~~(iii) a contractor or an employee of a contractor who is under contract to provide services for the school;~~

~~(11) "postrelease supervision" means the same as defined in K.S.A. 21-6803, and amendments thereto;~~

~~(12) "sanctions house" means the same as defined in K.S.A. 38-2302, and amendments thereto;~~

~~(13) "school" means any public or private school offering any of the grades kindergarten through 12;~~

~~(H)(14) "surety" means the same as defined in K.S.A. 22-2809a, and amendments thereto; and~~

~~(15) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any school.~~

Sec. 7. K.S.A. 2025 Supp. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years of age to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

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

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or

attempting to manufacture any methamphetamine or any fentanyl-related controlled substance; or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine; or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

(c) (1) Endangering a child is a:

(A) Class A person misdemeanor *if the child is at least six years of age but less than 18 years of age; and*

(B) *severity level 9, person felony if the child is less than six years of age.*

(2) *Except as provided in subsection (c)(3), aggravated endangering a child is a:*

(A) Severity level 9, person felony ~~except as provided in subsection (c)(2)(B) if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 8, person felony if the child is less than six years of age.*

(3) *Aggravated endangering a child when bodily harm is inflicted upon the child is a:*

(A) Severity level 6, person felony ~~when bodily harm is inflicted upon the child if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 5, person felony if the child is less than six years of age.*

~~(3)~~(4) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

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

(e) As used in this section:

(1) "Drug paraphernalia," "fentanyl-related controlled substance" and "manufacture" mean the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) "methamphetamine" means any substance designated in K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.

Sec. 8. K.S.A. 2025 Supp. 21-6101 is hereby amended to read as follows: 21-6101. (a) Breach of privacy is ~~knowingly~~ *intentionally* and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of

the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using ~~a camcorder, motion picture camera or photographic camera of any type to videotape, film, photograph or any device or software to record or view~~, by electronic or other means, *the nude body of, or the undergarments worn by*, another identifiable person ~~under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person~~, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any ~~videotape, photograph, film or image, video or other recording~~ obtained in violation of subsection (a)(6); or

(8) disseminating any ~~videotape, photograph, film or image, video or other recording~~ of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination. This includes disseminating any ~~videotape, photograph, film or image, video or other recording~~ that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image, *video or other recording*.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) ~~or (a)(8)~~ is a:

(A) Severity level 8, person felony, except as provided in ~~subsection~~ *subsections (b)(2)(B), (b)(2)(C) and (b)(4); and*

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years, *except as provided in subsection (b)(4); and*

(C) *severity level 5, person felony if the victim is 14 years of age or older but less than 18 years of age;*

(3) subsection (a)(7) is a severity level 5, person felony, *except as provided in subsection (b)(4);*

(4) *subsection (a)(6) or (a)(7) or attempt, conspiracy or criminal solicitation to commit breach of privacy as defined in subsection (a)(6) or (a)(7) is an off-grid person felony if the offender is 18 years of age or older and the victim is less than 14 years of age; and*

(5) subsection (a)(8) is a:

(A) Severity level 8, person felony, except as provided in *subsection (b)(4)(B); and*

(B) *severity level 5, person felony upon a second or subsequent conviction within the previous five years.*

(c) *If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:*

(1) *K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7);*

(2) *K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7); and*

(3) *K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7).*

(d) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

~~(d)~~(e) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity ~~which~~ *that* is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto;

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto;

(5) a cable service, as defined in 47 U.S.C. § 522;

(6) a provider of direct-to-home satellite services, as defined in 47 U.S.C. § 303(v); and

(7) a multichannel video programming distributor, as defined in 47 U.S.C. § 522(13), or an affiliate thereof.

~~(e)~~(f) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

~~(f)~~(g) As used in this section;

(1) *"Image, video or other recording" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means;*

(2) *"lawful authority" does not include any act or behavior prohibited by this section that is undertaken with the intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;*

(3) *"nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and*

(4) *"private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.*

Sec. 9. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as follows: 22-2802. (a) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (n) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(2) place restrictions on the travel, association or place of abode of the person during the period of release;

(3) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

thereto, aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506, and amendments thereto, the magistrate shall determine prior convictions of such offenses or comparable out-of-state convictions upon available evidence.

(2) If the magistrate determines that such defendant has a prior conviction of any crime that constitutes a sexually violent crime as defined in K.S.A. 22-4902, and amendments thereto, bond shall be at least \$750,000 cash or surety and have at least minimum conditions of no contact with any victims or witnesses and the magistrate shall place the person under a house arrest program pursuant to subsection (a)(4). Such bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

Sec. 10. K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

21-6002. Official misconduct. (a) Official misconduct is any of the following acts committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment:

(1) Knowingly using or authorizing the use of any aircraft, as defined by K.S.A. [3-201](#), and amendments thereto, vehicle, as defined by K.S.A. [8-1485](#), and amendments thereto, or vessel, as defined by K.S.A. [32-1102](#), and amendments thereto, under the officer's or employee's control or direction, or in the officer's or employee's custody, exclusively for the private benefit or gain of the officer or employee or another;

(2) knowingly failing to serve civil process when required by law;

(3) using confidential information acquired in the course of and related to the officer's or employee's office or employment for the private benefit or gain of the officer or employee or another or to intentionally cause harm to another;

(4) except as authorized by law, with the intent to reduce or eliminate competition among bidders or prospective bidders on any contract or proposed contract:

(A) Disclosing confidential information regarding proposals or communications from bidders or prospective bidders on any contract or proposed contract;

(B) accepting any bid or proposal on a contract or proposed contract after the deadline for acceptance of such bid or proposal; or

(C) altering any bid or proposal submitted by a bidder on a contract or proposed contract;

(5) except as authorized by law, knowingly destroying, tampering with or concealing evidence of a crime; or

(6) knowingly submitting to a governmental entity a claim for expenses which is false or duplicates expenses for which a claim is submitted to such governmental entity, another governmental or private entity.

(b) (1) Official misconduct as defined in:

(A) Subsections (a)(1) through (a)(4) is a class A nonperson misdemeanor;

(B) subsection (a)(5) is a:

(i) Severity level 8, nonperson felony if the evidence is evidence of a crime which is a felony; and

(ii) class A nonperson misdemeanor if the evidence is evidence of a crime which is a misdemeanor; and

(C) subsection (a)(6) if the claim is:

(i) \$25,000 or more is a severity level 7, nonperson felony;

(ii) at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony; and

(iii) less than \$1,000 is a class A nonperson misdemeanor.

(2) Upon conviction of official misconduct a public officer or employee shall forfeit such officer or employee's office or employment.

(c) The provisions of subsection (a)(1) shall not apply to any use of persons or property which:

(1) At the time of the use, is authorized by law or by formal written policy of the governmental entity; or

(2) constitutes misuse of public funds, as defined in K.S.A. [21-6005](#), and amendments thereto.

(d) As used in this section, "confidential" means any information that is not subject to mandatory disclosure pursuant to K.S.A. [45-221](#), and amendments thereto.

History: L. 2010, ch. 136, § 166; July 1, 2011.