

**21-5401. Capital murder.** (a) Capital murder is the:

- (1) intentional and premeditated killing of any person in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2014 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2014 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;
  - (2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;
  - (3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;
  - (4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 2014 Supp. 21-5503, and amendments thereto, criminal sodomy, as defined in subsections (a)(3) or (a)(4) of K.S.A. 2014 Supp. 21-5504, and amendments thereto, or aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2014 Supp. 21-5504, and amendments thereto, or any attempt thereof, as defined in K.S.A. 2014 Supp. 21-5301, and amendments thereto;
  - (5) intentional and premeditated killing of a law enforcement officer;
  - (6) intentional and premeditated killing of more than one person as a 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; or
  - (7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2014 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2014 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.
- (b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 2014 Supp. 21-5503, and amendments thereto, aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2014 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2014 Supp. 21-5504, and amendments thereto, selling sexual relations, as defined in K.S.A. 2014 Supp. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 2014 Supp. 21-6420, and amendments thereto, commercial sexual exploitation of a child, as defined in K.S.A. 2014 Supp. 21-6422, and amendments thereto, or sexual exploitation of a child, as defined in K.S.A. 2014 Supp. 21-5510, and amendments thereto.
- (c) Capital murder or attempt to commit capital murder is an off-grid person felony.
- (d) The provisions of subsection (c) of K.S.A. 2014 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of capital murder pursuant to this section.

**History:** L. 2010, ch. 136, § 36; L. 2013, ch. 120, § 14; L. 2014, ch. 114, § 2; July 1.