

HOUSE BILL No. 2651

By Representative Pittman

2-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to abuse of a child; aggravated abuse of a child; penalties; amending
3 K.S.A. 2019 Supp. 21-5602 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2019 Supp. 21-5602 is hereby amended to read as
7 follows: 21-5602. (a) Abuse of a child is ~~knowingly~~:

8 (1) ~~Torturing or cruelly beating any child under the age of 18 years;~~

9 ~~(2) shaking any child under the age of 18 years which results in great~~
10 ~~bodily harm to the child; or~~

11 ~~(3) inflicting cruel and inhuman corporal punishment upon any child~~
12 ~~under the age of 18 years~~ *Knowingly causing physical contact with any*
13 *child less than 18 years of age that results in or could reasonably be*
14 *expected to result in physical injury to the child; or*

15 (2) *recklessly causing bodily harm to any child less than 18 years of*
16 *age.*

17 (b) *Aggravated abuse of a child is:*

18 (1) *Knowingly torturing or cruelly beating any child less than 18*
19 *years of age;*

20 (2) *knowingly inflicting cruel and inhuman corporal punishment that*
21 *results in bodily harm or when done in such a way that disfigurement or*
22 *death could occur to a child less than 18 years of age;*

23 (3) *knowingly inflicting cruel and inhuman corporal punishment with*
24 *a deadly weapon on a child less than 18 years of age;*

25 (4) *knowingly using unreasonable physical restraint against a child*
26 *less than 18 years of age through means including, but not limited to,*
27 *caging or confining the child in any space not designed for human*
28 *habitation or binding the child in a way that is not medically necessary; or*

29 (5) *recklessly causing great bodily harm, permanent disability or*
30 *disfigurement to any child less than 18 years of age.*

31 (c) (1) *Abuse of a child is as defined in:*

32 ~~(A)~~ *(A) Subsection (a)(1) is a severity level 9, person felony, except*
33 *as provided in subsection (b)(2); and*

34 *(B) subsection (a)(2) is a severity level 7, person felony.*

35 (2) ~~severity level 4, person felony, if the victim is under the age of six~~
36 ~~years~~ *Aggravated abuse of a child who is 16 years of age or older as*

1 *defined in:*

2 (A) *Subsection (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 6,*
3 *person felony; and*

4 (B) *subsection (b)(5) is a severity level 4, person felony.*

5 (3) *Aggravated abuse of a child who is under 16 years of age as*
6 *defined in:*

7 (A) *Subsection (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 5,*
8 *person felony; and*

9 (B) *subsection (b)(5) is a severity level 3, person felony.*

10 ~~(e)~~(d) *The provisions of subsection (b)(4) shall not apply to a law*
11 *enforcement officer, as defined in K.S.A. 22-2202, and amendments*
12 *thereto, while such officer is acting in the lawful performance of such*
13 *officer's duties.*

14 (e) *A person who violates the provisions of this section may also be*
15 *prosecuted for, convicted of, and punished for any form of battery or*
16 *homicide.*

17 Sec. 2. *K.S.A. 2019 Supp. 21-5602 is hereby repealed.*

18 Sec. 3. *This act shall take effect and be in force from and after its*
19 *publication in the statute book.*