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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 22, 2021

Subject: Bill Brief on HB 2362

HB 2362 modifies the elements of and makes changes to the criminal penalties of abuse of a child.

The bill amends K.S.A. 21-5602 to provide that abuse of a child would be committing any of the following acts against a child under 18 years of age: (1) Knowingly torturing, cruelly beating, cruelly striking or cruelly kicking; (2) knowingly inflicting cruel and inhuman corporal punishment; (3) knowingly using cruel and inhuman physical restraint; (4) recklessly causing great bodily harm, abusive head trauma, permanent disability or disfigurement; (5) knowingly causing great bodily harm, permanent disability or disfigurement; (6) knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon; or (7) knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest or by blocking the nose or mouth of a child in a manner whereby death or great bodily harm could be inflicted.

The criminal penalty for the acts described in (1) through (3) above would be a severity level 5, person felony if the child is at least six years of age and a severity level 3, person felony if the child is under six years of age. The criminal penalty for the acts described in (4) above would be a severity level 4, person felony. The criminal penalty for the acts described in (5) through (7) above would be a severity level 3, person felony.