

HOUSE BILL No. 2813

By Committee on Federal and State Affairs

Requested by Representative Schmoie

2-21

Proposed Amendments to  
House Bill No. 2813 #1  
Prepared by: Mike Heim  
Office of Revisor of Statutes

1 AN ACT concerning ~~abortion~~; relating to unlawful coercion to obtain an  
2 ~~abortion~~; creating the crime of coercion to obtain an ~~abortion~~;  
3 providing the penalties therefor; providing for enhanced criminal  
4 penalties for offenses committed with the intent to ~~compel a woman to~~  
5 ~~obtain an abortion~~; amending K.S.A. 21-6804 and repealing the  
6 existing section.

reproductive coercion

control over the reproductive autonomy of another by force  
reproductive

Strike in line 2

gain control over the reproductive autonomy of another

"Reproductive coercion" means control over the reproductive autonomy  
of another through force, threat of force or intimidation, and may include,  
but is not limited to, unreasonably pressuring the other party to become  
pregnant, deliberately interfering with contraception use or using coercive  
tactics to control pregnancy outcomes

Strike in line 13

Reproductive coercion is a person felony,

Strike in lines 24-26

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

9 New Section 1. (a) ~~Coercion to obtain an abortion is engaging in~~  
10 ~~coercion with knowledge that a woman is pregnant and with the intent to~~  
11 ~~compel such woman to obtain an abortion when such woman has~~  
12 ~~expressed her desire to not obtain an abortion.~~

13 (b) ~~Coercion to obtain an abortion, as defined in subsection (a), is:~~  
14  
15 (1) ~~A person felony; and the offender shall be sentenced to not less~~  
16 ~~than 30 days nor more than one year's imprisonment and fined not less~~  
17 ~~than \$500 nor more than \$5,000; or~~  
18 (2) ~~if committed by the father or the putative father, who is 18 years~~  
19 ~~of age or older at the time of the violation, of the unborn child of a~~  
20 ~~pregnant woman and such pregnant woman is less than 18 years of age at~~  
21 ~~the time of the violation, a person felony, and the offender shall be~~  
22 ~~sentenced to not less than 90 days nor more than one year's imprisonment~~  
23 ~~and fined not less than \$1,000 nor more than \$10,000.~~

24 (c) As used in this section:  
25 (1) ~~"Abortion" means the same as defined in K.S.A. 65-6701, and~~  
26 ~~amendments thereto;~~  
27 (2) ~~"coercion" means any of the following:~~

28 (A) Threatening to harm or physically restrain an individual or the  
29 creation or execution of any scheme, plan or pattern intended to cause an  
30 individual to believe that failure to perform an act would result in financial  
31 harm to, or physical restraint of, an individual.

32 (B) abusing or threatening abuse of the legal system, including threats  
33 of arrest or deportation without regard to whether the individual being  
34 threatened is subject to arrest or deportation under the laws of this state or  
35 the United States;

(C) knowingly destroying, concealing, removing, confiscating or

1 possessing any actual or purported passport or other immigration  
2 document or any other actual or purported government identification  
3 document from an individual without regard to whether the documents are  
4 fraudulent or fraudulently obtained; or

5 (D) facilitating or controlling an individual's access to a controlled  
6 substance, as defined in K.S.A. 65-4101, and amendments thereto, other  
7 than for a legitimate medical purpose;

8 (3) "financial harm" means any of the following:

9 (A) Any loan, promissory note or other credit instrument that  
10 provides for interest at a rate that is prohibited by state or federal law;

11 (B) any employment contract or other agreement for the payment of  
12 wages that violates the wage payment act, K.S.A. 44-313 et seq., and  
13 amendments thereto;

14 (C) extortion as defined in K.S.A. 21-6501, and amendments thereto;  
15 or

16 (D) any other adverse financial consequence; and

17 (4) ~~"unborn child" means a living individual organism of the species-~~  
18 ~~homo sapiens, in utero, at any stage of gestation from fertilization to birth.~~

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

21 Sec. 2. K.S.A. 21-6804 is hereby amended to read as follows: 21-  
22 6804. (a) The provisions of this section shall be applicable to the  
23 sentencing guidelines grid for nondrug crimes. The following sentencing  
24 guidelines grid shall be applicable to nondrug felony crimes:

Strike all in lines 17-18

And by redesignating subsections, paragraphs,  
subparagraphs and clauses accordingly;