

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2583

By Representatives Hawkins and Owens

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes against the public morals; increasing the criminal penalty for  
3 harming or killing certain dogs and horses; requiring restitution for  
4 such crime to include veterinary medical treatment, funeral and burial  
5 expenses and replacement of such animal; amending K.S.A. 21-6416  
6 and 21-6604 and repealing the existing sections.  
7

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

9 Section 1. K.S.A. 21-6416 is hereby amended to read as follows: 21-  
10 6416. (a) Inflicting harm, disability or death to a police dog, arson dog,  
11 assistance dog, game warden dog ~~or~~, search and rescue dog *or police*  
12 *horse* is knowingly, and without lawful cause or justification, poisoning,  
13 inflicting great bodily harm, permanent disability or death; upon a police  
14 dog, arson dog, assistance dog, game warden dog ~~or~~, search and rescue  
15 dog *or police horse*.

or

16 (b) ~~Inflicting harm, disability or death to an assistance dog or~~  
17 ~~inflicting harm that does not result in disability or death to a police dog,~~  
18 ~~arson dog, assistance dog, game warden dog or, search and rescue dog or~~  
19 ~~police horse~~ is a nonperson felony. Upon conviction of this subsection, A  
20 person *convicted of a violation of this subsection* shall be sentenced to not  
21 less than 30 days ~~or~~ nor more than one year's imprisonment and be fined  
22 not less than \$500 nor more than \$5,000. The person convicted shall not be  
23 eligible for release on probation, suspension or reduction of sentence or  
24 parole until the person has served ~~the~~ a minimum mandatory sentence ~~as~~  
25 ~~provided herein of 30 days.~~ During the mandatory 30 days imprisonment,  
26 such offender shall have a psychological evaluation prepared for the court  
27 to assist the court in determining conditions of probation. Such conditions  
28 shall include, but not be limited to, the completion of an anger  
29 management program.

(1) Except as provided in paragraphs (2) and (3),  
violation of subsection (a)

Strike in line 20

(a)

30 ~~(c) (1)~~ *Except as provided in paragraph (2), inflicting harm that*  
31 *results in disability or death to a police dog, arson dog, assistance dog,*  
32 *game warden dog, search and rescue dog or police horse is a severity*  
33 *level 4, nonperson felony.*

(2)

(3), violation of subsection (a)

34 ~~(2)~~ *Inflicting harm that results in disability or death to a police dog,*  
35 *arson dog, assistance dog, game warden dog, search and rescue dog or*  
36 *police horse during the commission of fleeing or attempting to elude a*

(3) Violation of subsection (a)

1 police officer as described in K.S.A. 8-1568, and amendments thereto,  
2 interference with law enforcement as described in K.S.A. 21-5904, and  
3 amendments thereto, or escape from custody or aggravated escape from  
4 custody as described in K.S.A. 21-5911, and amendments thereto, is a  
5 severity level 3, nonperson felony.

(4) 6 ~~(3) The following conditions shall apply to a sentence for a violation  
7 of this subsection.~~

imposed pursuant to paragraph (2) or (3)

8 (A) As a condition of any probation granted ~~under this subsection~~,  
9 the person shall serve at least 90 days of imprisonment;

Strike in line 8

10 (B) the person shall be required to pay a fine of at least \$10,000; and

11 (C) the person shall not be eligible for release on probation,  
12 suspension or reduction of sentence or parole until the person has served  
13 the mandatory sentence of 90 days.

(5) 14 ~~(d) During the mandatory period of imprisonment provided for in  
15 subsections (b) and (c), the offender shall have a psychological evaluation  
16 prepared to assist the court in determining conditions of probation. Such  
17 conditions shall include, but not be limited to, the completion of an anger  
18 management program.~~

this subsection

(c) 19 ~~(e)~~ As used in this section:

20 (1) "Arson dog" means any dog that is owned, or the service of which  
21 is employed, by the state fire marshal or a fire department for the principal  
22 purpose of aiding in the detection of liquid accelerants in the investigation  
23 of fires;

24 (2) "assistance dog" means the same as defined in K.S.A. 39-1113,  
25 and amendments thereto;

26 (3) "fire department" means a public fire department under the  
27 control of the governing body of a city, township, county, fire district or  
28 benefit district or a private fire department operated by a nonprofit  
29 corporation providing fire protection services for a city, township, county,  
30 fire district or benefit district under contract with the governing body of  
31 the city, township, county or district;

32 (4) "game warden dog" means any dog that is owned, or the service  
33 of which is employed, by the Kansas department of wildlife and parks for  
34 the purpose of aiding in detection of criminal activity, enforcement of  
35 laws, apprehension of offenders or location of persons or wildlife;

36 (5) "police dog" means any dog that is owned, or the service of which  
37 is employed, by a law enforcement agency for the principal purpose of  
38 aiding in the detection of criminal activity, enforcement of laws or  
39 apprehension of offenders;

40 (6) "police horse" means any horse that is owned or the service of  
41 which is employed by a law enforcement agency for the principal purpose  
42 of aiding in the detection of criminal activity, enforcement of laws or  
43 apprehension of offenders; and