

SENATE BILL No. 415

By Committee on Ways and Means

2-20

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; amending K.S.A. 2013 Supp. 21-5807 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 21-5807 is hereby amended to read as
7 follows: 21-5807. (a) Burglary is, without authority, entering into or
8 remaining within any:

9 (1) Dwelling, with intent to commit a felony, theft or sexually
10 motivated crime therein;

11 (2) building, manufactured home, mobile home, tent or other
12 structure which is not a dwelling, with intent to commit a felony, theft or
13 sexually motivated crime therein; or

14 (3) vehicle, aircraft, watercraft, railroad car or other means of
15 conveyance of persons or property, with intent to commit a felony, theft or
16 sexually motivated crime therein.

17 (b) Aggravated burglary is, without authority, entering into or
18 remaining within any:

19 (1) *Dwelling in which there is a human being, with intent to commit a*
20 *felony, theft or sexually motivated crime therein;*

21 (2) building, manufactured home, mobile home, tent or other
22 structure *which is not a dwelling in which there is a human being, with*
23 *intent to commit a felony, theft or sexually motivated crime therein;* or

24 (3) ~~any~~ vehicle, aircraft, watercraft, railroad car or other means of
25 conveyance of persons or property in which there is a human being, with
26 intent to commit a felony, theft or sexually motivated crime therein.

27 (c) (1) Burglary as defined in:

28 (A) ~~Subsection (a)(1) is a severity level 7-6, person felony, except as~~
29 ~~provided in subsection (c)(2);~~

30 (B) ~~subsection (a)(2) is a severity level 7, nonperson felony, except as~~
31 ~~provided in subsection (c)(2);~~

32 (C) ~~subsection (a)(3) is a severity level 9, nonperson felony, except as~~
33 ~~provided in subsection (c)(2); and~~

34 (2) ~~subsection (a)(1), (a)(2) or (a)(3) with the intent to commit the~~
35 ~~theft of a firearm is a severity level 5, nonperson felony.~~

36 (A) (i) *Subsection (a)(1) is a severity level 6, person felony, except*

1 *as provided in subsection (c)(1)(B);*

2 *(ii) subsection (a)(2) is a severity level 7, nonperson felony, except*
3 *as provided in subsection (c)(1)(B); and*

4 *(iii) subsection (a)(3) is a severity level 9, nonperson felony, except*
5 *as provided in subsection (c)(1)(B); and*

6 *(B) (i) Subsection (a)(1), with intent to commit the theft of a*
7 *firearm, is a severity level 5, person felony; and*

8 *(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a*
9 *firearm, is a severity level 5, nonperson felony.*

10 ~~(3)~~ (2) Aggravated burglary as defined in:

11 (A) Subsection (b)(1) is a severity level 4, person felony; and

12 (B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

13 (d) As used in this section, "sexually motivated" means that one of
14 the purposes for which the defendant committed the crime was for the
15 purpose of the defendant's sexual gratification.

16 Sec. 2. K.S.A. 2013 Supp. 21-5807 is hereby repealed.

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