

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2218

By Committee on Corrections and Juvenile Justice

2-3

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; aggravated burglary; amending K.S.A. 2014 Supp. 21-5807
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 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 building, manufactured home, mobile home, tent or
19 other structure, or any vehicle, aircraft, watercraft, railroad car or other
20 means of conveyance of persons or property in which there is a human
21 being with intent to commit a felony, theft or sexually motivated crime
22 therein.

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

24 (A) Subsection (a)(1) is a severity level 7, person felony, except as
25 provided in subsection (c)(2);

26 (B) subsection (a)(2) is a severity level 7, nonperson felony, except as
27 provided in subsection (c)(2);

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

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

32 (3) Aggravated burglary is a severity level 5, person felony.

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

36 (e) ~~This section shall not apply to any premises that are, at the time,~~

1 ~~open to the public~~ **This section shall not apply to any person entering**
2 **into or remaining in a retail or commercial premises at any time that it**
3 **is open to the public after having received a personal communication**
4 **from the owner or manager of such premises not to enter such**
5 **premises pursuant to K.S.A. 2014 Supp. 21-5808, and amendments**
6 **thereto, except when such person is entering into or remaining in such**
7 **premises with the intent to commit a person felony or sexually**
8 **motivated crime therein.**

9 Sec. 2. K.S.A. 2014 Supp. 21-5807 is hereby repealed.

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