

HOUSE BILL No. 2049

By Committee on Corrections and Juvenile Justice

1-12

Proposed Amendments to HB 2049 - Jennings
House Corrections and Juvenile Justice Committee
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Office of Revisor of Statutes
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1 AN ACT concerning crimes and punishment; enacting the law
2 enforcement protection act; relating to sentencing for crimes committed
3 against a law enforcement officer; amending K.S.A. 2016 Supp. 21-
4 6804 and repealing the existing section.

5

6 WHEREAS, The provisions of K.S.A. 2016 Supp. 21-6804(y), as
7 amended by this act, shall be known and may be cited as the law
8 enforcement protection act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2016 Supp. 21-6804 is hereby amended to read as
12 follows: 21-6804. (a) The provisions of this section shall be applicable to
13 the sentencing guidelines grid for nondrug crimes. The following
14 sentencing guidelines grid shall be applicable to nondrug felony crimes:

1 substance or item designed with the purpose of providing ballistic and
2 trauma protection.

3 (u) The sentence for a violation of K.S.A. 2016 Supp. 21-6107, and
4 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
5 2016 Supp. 21-5301 and 21-5302, and amendments thereto, to commit
6 such offense, when such person being sentenced has a prior conviction for
7 a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2016 Supp. 21-
8 6107, and amendments thereto, or any attempt or conspiracy to commit
9 such offense, shall be presumptive imprisonment. Such sentence shall not
10 be considered a departure and shall not be subject to appeal.

11 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,
12 and amendments thereto, shall be presumptive imprisonment and shall be
13 served consecutively to any other term or terms of imprisonment imposed.
14 Such sentence shall not be considered a departure and shall not be subject
15 to appeal.

16 (w) The sentence for aggravated criminal damage to property as
17 defined in K.S.A. 2016 Supp. 21-5813(b), and amendments thereto, when
18 such person being sentenced has a prior conviction for any nonperson
19 felony shall be presumptive imprisonment. Such sentence shall not be
20 considered a departure and shall not be subject to appeal.

21 (x) The sentence for a violation of K.S.A. 2016 Supp. 21-5807(a)(1),
22 and amendments thereto, shall be presumptive imprisonment if the offense
23 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
24 sentence shall not be considered a departure and shall not be subject to
25 appeal.

26 (y) (1) *Except as provided in subsection (y)(3), if the trier of fact
27 makes a finding beyond a reasonable doubt that an offender committed a
28 nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A.
29 2016 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a
30 nondrug felony offense, against a law enforcement officer while such
31 officer was engaged in the performance of such officer's duty, or in whole
32 or in any part because of such officer's status as a law enforcement officer,
33 the sentence for such offense shall be:*

34 (A) *If such offense is classified in severity level 2 through 10, one
35 severity level above the appropriate level for such offense; and*

36 (B) (i) *if such offense is classified in severity level 1, except as
37 otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and
38 such offender shall not be eligible for probation or suspension,
39 modification or reduction of sentence. In addition, such offender shall not
40 be eligible for parole prior to serving 25 years' imprisonment, and such 25
41 years' imprisonment shall not be reduced by the application of good time
42 credits. No other sentence shall be permitted.*

43 (ii) *The provisions of subsection (y)(1)(B)(i) requiring the court to*

,as defined in K.S.A. 2016 Supp. 21-5111(p)
(1), and amendments thereto,