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REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
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MEMORANDUM

To: Senate Committee on Judiciary
From: Jenna Moyer, Assistant Revisor of Statutes
Date: January 31, 2018
Subject: SB310 – Amending the definition of escape in crimes of escape and aggravated escape from custody.

SB 310 amends the definition of “escape” in K.S.A. 21-5911 in situations where temporary leave is granted.

The definition of escape currently includes:

- 1) Departing from custody without lawful authority; or
- 2) Failing to return to custody after being granted express permission for temporary leave by law or a court order.

This bill adds to the second part of this definition by including authorization from custodial officials with appropriate authorization as a method to lawfully grant temporarily leave. The impact of this addition would be if an inmate failed to return to custody after being granted proper temporary leave by a custodial official, the failure to return would be considered an escape from custody.

In the situations meant to be covered by this bill, the charge of escape from custody while being held for a misdemeanor is generally a Class A nonperson misdemeanor. If held for a felony, the charge becomes aggravated escape from custody, which generally is a severity level 8, nonperson felony.