2020 Kansas Statutes

21-5819. Throwing or otherwise casting objects onto street, highway or railroad right-of-way or railroad property. (a) It is unlawful for any person to:
(1) Recklessly throw, push, pitch or otherwise cast any rock, stone or other object, matter or thing onto a street, road, highway, railroad right-of-way, or upon any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock thereon;
(2) violate subsection (a) and damage any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock lawfully on the street, highway or railroad right-of-way by the thrown or cast rock, stone or other object;
(3) violate subsection (a) and injure another person on the street, road, highway or railroad right-of-way; or
(4) violate subsection (a), damage a vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock and a person is injured as a result of the cast or thrown object or from injuries incurred as a result of damage to the vehicle in which a person was a passenger when struck by such object.
(b) (1) Violation of subsection (a)(1) is a class B nonperson misdemeanor.
(2) Violation of subsection (a)(2) is a class A nonperson misdemeanor.
(3) Violation of subsection (a)(3) is a severity level 7, person felony.
(4) Violation of subsection (a)(4) is a severity level 6, person felony.
(c) In any case where a vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock is damaged as a result of a violation of subsection (a), the provisions of this section shall not bar conviction of the accused under any other offense in article 58 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto. An accused may be convicted for a violation of any other offense in article 58 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or this section, but not under both.
(d) In any case where a person dies or sustains bodily injury as a result of a violation of subsection (a), the provisions of this section shall not bar conviction of the accused under any other offense in article 54 of chapter 21 of the Kansas Statutes Annotated and K.S.A. 2020 Supp. 21-6418, and amendments thereto. An accused may be convicted for a violation of any other offense in article 54 of chapter 21 of the Kansas Statutes Annotated and K.S.A. 2020 Supp. 21-6418, and amendments thereto, or this section, but not under both.
History: L. 2010, ch. 136, § 105; L. 2011, ch. 30, § 38; July 1.