

SENATE BILL No. 295

By Committee on Judiciary

2-8

AN ACT concerning crimes, criminal procedure and punishment; relating to aggravated escape from custody; amending K.S.A. 2000 Supp. 21-3810 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 21-3810 is hereby amended to read as follows: 21-3810. Aggravated escape from custody is:

(a) Escaping while held in lawful custody: (1) Upon a charge or conviction of a felony ~~or~~; (2) upon a charge or adjudication as a juvenile offender as defined in K.S.A. 38-1602, and amendments thereto, where the act, if committed by an adult, would constitute a felony ~~or~~; (3) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05 and amendments thereto ~~or~~; (4) upon commitment to a treatment facility as a sexually violent predator as provided pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto ~~or~~; (5) upon a commitment to the state security hospital as provided in K.S.A. 22-3428 and amendments thereto based on a finding that the person committed an act constituting a felony ~~or~~; (6) by a person 18 years of age or over who is being held on an adjudication of a felony ~~or~~; (7) upon incarceration at a state correctional institution as defined in K.S.A. 75-5202 and amendments thereto, while in the custody of the secretary of corrections; or (8) upon a charge or adjudication as a juvenile offender and upon commitment to a state juvenile correctional facility that has a secure perimeter surrounding the facility.

(b) Escaping effected or facilitated by the use of violence or the threat of violence against any person while held in lawful custody: (1) On a charge or conviction of any crime ~~or~~; (2) on a charge or adjudication as a juvenile offender as defined in K.S.A. 38-1602, and amendments thereto, where the act, if committed by an adult, would constitute a felony ~~or~~; (3) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05 and amendments thereto ~~or~~; (4) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 *et seq.* and amendments thereto ~~or~~; (5) upon a commitment to the state security hospital as provided in K.S.A. 22-3428 and amendments thereto based on a finding that the person

1 committed an act constituting any crime ~~or~~; (6) by a person 18 years of
2 age or over who is being held on a charge or adjudication of a misde-
3 meanor or felony ~~or~~; (7) upon incarceration at a state correctional insti-
4 tution as defined in K.S.A. 75-5202 and amendments thereto, while in
5 the custody of the secretary of corrections; *or (8) upon a charge or ad-*
6 *judication as a juvenile offender and upon commitment to a state juvenile*
7 *correctional facility that has a secure perimeter surrounding the facility.*

8 (c) (1) Aggravated escape from custody as described in subsection
9 (a)(1), (a)(3), (a)(4), (a)(5) or (a)(6) is a severity level 8, nonperson felony.

10 (2) Aggravated escape from custody as described in subsection (a)(2)
11 ~~or~~, (a)(7) *or (a)(8)* is a severity level 5, nonperson felony.

12 (3) Aggravated escape from custody as described in subsection (b)(1),
13 (b)(3), (b)(4), (b)(5) or (b)(6) is a severity level 6, person felony.

14 (4) Aggravated escape from custody as described in subsection (b)(2)
15 ~~or~~, (b)(7) *or (b)(8)* is a severity level 5, person felony.

16 Sec. 2. K.S.A. 2000 Supp. 21-3810 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.

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