

HOUSE BILL No. 2753

By Committee on Judiciary

1-31

AN ACT concerning crimes and punishments; relating to burglary and aggravated burglary; amending K.S.A. 21-3715 and 21-3716 and repealing the existing sections.

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

Section 1. K.S.A. 21-3715 is hereby amended to read as follows: 21-3715. Burglary is knowingly and without authority entering into or remaining within any:

(a) Building, manufactured home, mobile home, tent or other structure which is a dwelling, with intent to commit a felony, theft or ~~sexual battery~~ *person misdemeanor* therein;

(b) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or ~~sexual battery~~ *person misdemeanor* therein; or

(c) motor vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or ~~sexual battery~~ *person misdemeanor* therein.

Burglary as described in subsection (a) is a severity level 7, person felony. Burglary as described in subsection (b) is a severity level 7, nonperson felony. Burglary as described in subsection (c) is a severity level 9, nonperson felony.

Sec. 2. K.S.A. 21-3716 is hereby amended to read as follows: 21-3716. Aggravated burglary is knowingly and without authority entering into or remaining within any building, manufactured home, mobile home, tent or other structure, or any motor vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being, with intent to commit a felony, theft or ~~sexual battery~~ *person misdemeanor* therein.

Aggravated burglary is a severity level 5, person felony.

Sec. 3. K.S.A. 21-3715 and 21-3716 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.