

## SENATE BILL No. 500

By Senator Adkins

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AN ACT concerning crimes, criminal procedure and punishment; relating to burglary; amending K.S.A. 21-3715 and repealing the existing section.

*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, *or any portion of a building, manufactured home, mobile home, tent or other structure not then open to the public*, which is a dwelling, with intent to commit a felony, theft or sexual battery therein;

(b) building, manufactured home, mobile home, tent or other structure, *or any portion of a building, manufactured home, mobile home, tent or other structure not then open to the public*, which is not a dwelling, with intent to commit a felony, theft or sexual battery 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 therein.

*Where a building, manufactured home, mobile home, tent or other structure consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, manufactured home, mobile home, tent or other structure, a separate building, manufactured home, mobile home, tent or other structure.*

*As used in this section, "open to the public" means an area which by its physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.*

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 K.S.A. 21-3715 is hereby repealed.

1     Sec. 3. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
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