

SENATE BILL No. 137

By Senator Haley

1-28

9 AN ACT concerning the criminal code, creating the crime of deprivation
10 of rights under color of law.

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

13 Section 1. (a) Deprivation of rights under color of law is the inten-
14 tional subjection by a person who, under color of any law, statute, county
15 resolution, ordinance or regulation, of any person, to the deprivation of
16 any rights, privileges or immunities secured or protected by the Consti-
17 tution or laws of the state of Kansas, or to different punishments, pains
18 or penalties on account of such person being an alien, or by reason of
19 color or race than are prescribed for the punishment of citizens by: (1)
20 Causing bodily harm to another person or disfigurement of another per-
21 son; or

22 (2) causing great bodily harm to another person or disfigurement of
23 another person; or

24 (3) causing bodily harm to another person with a deadly weapon, or
25 in any manner whereby great bodily harm, disfigurement or death can
26 be inflicted; or

27 (4) causing physical contact with another person when done in a rude,
28 insulting or angry manner with a deadly weapon, or in any manner
29 whereby great bodily harm, disfigurement or death can be inflicted; or

30 (5) causing monetary loss to another person.

31 (b) (1) Deprivation of rights under color of law as described in sec-
32 tion (a)(1) is a class B person misdemeanor.

33 (2) Deprivation of rights under color of law as defined in subsection
34 (a)(2) is a severity level 4, person felony.

35 (3) Deprivation of rights under color of law as defined in subsection
36 (a)(3) or (a)(4) is a severity level 7, person felony.

37 (4) Deprivation of rights under color of law as defined in subsection
38 (a)(5) where the monetary loss is less than \$500 is a class A nonperson
39 misdemeanor.

40 (5) Deprivation of rights under color of law as defined in subsection
41 (a)(5) where the monetary loss is at least \$500 but less than \$25,000 is a
42 severity level 9, nonperson felony.

43 (6) Deprivation of rights under color of law as defined in subsection

1 (a)(5) where the monetary loss is \$25,000 or more is a severity level 7,
2 nonperson felony.

3 (c) A person convicted of deprivation of rights under color of law
4 shall be subject to the provisions of subsection (h) of K.S.A. 21-4704 and
5 amendments thereto.

6 (d) The provisions of this section shall be part of and supplemental
7 to the Kansas criminal code.

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