

CHAPTER 59  
HOUSE BILL No. 2180

AN ACT concerning crimes and punishment; relating to inherently dangerous felonies; amending K.S.A. 2004 Supp. 21-3404 and 21-3436 and repealing the existing section.

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

Section 1. K.S.A. 2004 Supp. 21-3404 is hereby amended to read as follows: 21-3404. Involuntary manslaughter is the unintentional killing of a human being committed:

(a) Recklessly;

(b) in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 21-3436 and amendments thereto, that is enacted for the protection of human life or safety or a misdemeanor that is enacted for the protection of human life or safety, including acts described in K.S.A. 8-1566 and subsection (a) of 8-1568, and amendments thereto, but excluding the acts described in K.S.A. 8-1567 and amendments thereto; or

(c) during the commission of a lawful act in an unlawful manner.

Involuntary manslaughter is a severity level 5, person felony.

Sec. 2. K.S.A. 2004 Supp. 21-3436 is hereby amended to read as follows: 21-3436. (a) Any of the following felonies shall be deemed an inherently dangerous felony whether or not such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401, and amendments thereto, as not to be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401, and amendments thereto:

(1) Kidnapping, as defined in K.S.A. 21-3420, and amendments thereto;

(2) aggravated kidnapping, as defined in K.S.A. 21-3421, and amendments thereto;

(3) robbery, as defined in K.S.A. 21-3426, and amendments thereto;

(4) aggravated robbery, as defined in K.S.A. 21-3427, and amendments thereto;

(5) rape, as defined in K.S.A. 21-3502, and amendments thereto;

(6) aggravated criminal sodomy, as defined in K.S.A. 21-3506, and amendments thereto;

(7) abuse of a child, as defined in K.S.A. 21-3609, and amendments thereto;

(8) felony theft under subsection (a) or (c) of K.S.A. 21-3701, and amendments thereto;

(9) burglary, as defined in K.S.A. 21-3715, and amendments thereto;

(10) aggravated burglary, as defined in K.S.A. 21-3716, and amendments thereto;

(11) arson, as defined in K.S.A. 21-3718, and amendments thereto;

(12) aggravated arson, as defined in K.S.A. 21-3719, and amendments thereto;

(13) treason, as defined in K.S.A. 21-3801, and amendments thereto;

(14) any felony offense as provided in K.S.A. 65-4127a, 65-4127b or 65-4159 or 65-4160 through 65-4164, and amendments thereto;

(15) any felony offense as provided in K.S.A. 21-4219, and amendments thereto;

(16) endangering the food supply as defined in K.S.A. 2004 Supp. 21-4221, and amendments thereto; ~~and~~

(17) aggravated endangering the food supply as defined in K.S.A. 2004 Supp. 21-4222, and amendments thereto; ~~or~~

(18) *fleeing or attempting to elude a police officer, as defined in subsection (b) of K.S.A. 8-1568, and amendments thereto.*

(b) Any of the following felonies shall be deemed an inherently dangerous felony only when such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401, and amendments thereto, as to not be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401, and amendments thereto:

(1) Murder in the first degree, as defined in subsection (a) of K.S.A. 21-3401, and amendments thereto;

(2) murder in the second degree, as defined in subsection (a) of K.S.A. 21-3402, and amendments thereto;

(3) voluntary manslaughter, as defined in subsection (a) of K.S.A. 21-

3403, and amendments thereto;

(4) aggravated assault, as defined in K.S.A. 21-3410, and amendments thereto;

(5) aggravated assault of a law enforcement officer, as defined in K.S.A. 21-3411, and amendments thereto;

(6) aggravated battery, as defined in subsection (a)(1) of K.S.A. 21-3414, and amendments thereto; ~~and~~ *or*

(7) aggravated battery against a law enforcement officer, as defined in K.S.A. 21-3415, and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 2004 Supp. 21-3404 and 21-3436 are hereby repealed.

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

Approved April 4, 2005.

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