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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: March 19, 2024

Subject: SB 527 – Crime of coercion to obtain an abortion.

Senate Bill No. 527 (SB 527) would create the new crime of coercion to obtain an abortion. The crime is defined in Section 1 of the bill as engaging in coercion with the knowledge that a woman is pregnant with the intent to compel such woman to obtain an abortion and such woman has expressed her desire to not obtain an abortion. Coercion is defined as:

- Threatening to harm or physically restrain a person or creating or executing a plan to cause a person to believe that financial harm or restrain will occur if they do not perform the required act.
- Abusing or threatening to abuse the legal system, including threats of arrest or deportation of a person.
- Destroying, concealing, removing, confiscating or possessing a person’s passport, other immigration document, or other identification document.
- Controlling a person’s access to a controlled substance.

The penalty for such offense is an unclassified person felony generally punishable by 30 days to 1 year imprisonment and a fine of \$500 to \$5,000. However, if the father of the unborn child is 18 years of age or older and the mother is under 18 years of age, then the penalty is 90 days to 1 year imprisonment and a fine of \$1,000 to \$10,000.

SB 527 also amends K.S.A. 21-6804 to create a new sentencing enhancement for person felonies that are committed with the intent to compel a pregnant woman to obtain an abortion when she has expressed her desire to not obtain an abortion. The enhancement would raise the severity level of the underlying offense by one level if the coercion intent is proven. The following are the person felonies included in this provision:

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- Kidnapping and interference with parental custody.
- Criminal restraint and threat, assault, and battery.
- Human trafficking, stalking, blackmail, and endangerment.
- Sex-related crimes of rape, sodomy, battery, indecent liberties with a child, solicitation, exploitation, and extortion.
- Endangering a child, child abuse, incest, and child abandonment.

If enacted, SB 527 would become effective on July 1, 2024.