

**SENATE BILL No. 73**

By Committee on Judiciary

1-19

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes involving property; burglary and aggravated burglary; adding  
3 domestic battery and violation of a protection order to the list of crimes  
4 a person has intent to commit; amending K.S.A. 2022 Supp. 21-5807  
5 and repealing the existing section.  
6

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

8 Section 1. K.S.A. 2022 Supp. 21-5807 is hereby amended to read as  
9 follows: 21-5807. (a) Burglary is, without authority, entering into or  
10 remaining within any:

11 (1) (A) Dwelling, with intent to commit a felony, theft, *domestic*  
12 *battery, violation of a protection order* or sexually motivated crime  
13 therein; or

14 (B) locked or secured portion of any dwelling, with intent to commit  
15 a felony, theft, *domestic battery, violation of a protection order* or sexually  
16 motivated crime therein;

17 (2) (A) building, manufactured home, mobile home, tent or other  
18 structure which is not a dwelling, with intent to commit a felony, theft,  
19 *domestic battery, violation of a protection order* or sexually motivated  
20 crime therein; or

21 (B) locked or secured portion of any building, manufactured home,  
22 mobile home, tent or other structure which is not a dwelling, with intent to  
23 commit a felony, theft, *domestic battery, violation of a protection order* or  
24 sexually motivated crime therein; or

25 (3) vehicle, aircraft, watercraft, railroad car or other means of  
26 conveyance of persons or property, with intent to commit a felony, theft,  
27 *domestic battery, violation of a protection order* or sexually motivated  
28 crime therein.

29 (b) Aggravated burglary is, without authority, entering into or  
30 remaining within any:

31 (1) (A) Dwelling in which there is a human being, with intent to  
32 commit a felony, theft, *domestic battery, violation of a protection order* or  
33 sexually motivated crime therein; or

34 (B) locked or secured portion of any dwelling in which there is a  
35 human being, with intent to commit a felony, theft, *domestic battery,*  
36 *violation of a protection order* or sexually motivated crime therein;

1 (2) (A) building, manufactured home, mobile home, tent or other  
2 structure which is not a dwelling in which there is a human being, with  
3 intent to commit a felony, theft, *domestic battery*, *violation of a protection*  
4 *order* or sexually motivated crime therein; or

5 (B) locked or secured portion of any building, manufactured home,  
6 mobile home, tent or other structure which is not a dwelling in which there  
7 is a human being, with intent to commit a felony, theft, *domestic battery*,  
8 *violation of a protection order* or sexually motivated crime therein; or

9 (3) vehicle, aircraft, watercraft, railroad car or other means of  
10 conveyance of persons or property in which there is a human being, with  
11 intent to commit a felony, theft, *domestic battery*, *violation of a protection*  
12 *order* or sexually motivated crime therein.

13 (c) (1) Burglary as defined in:

14 (A) (i) Subsection (a)(1) is a severity level 7, person felony, except as  
15 provided in subsection (c)(1)(B);

16 (ii) subsection (a)(2) is a severity level 7, nonperson felony, except as  
17 provided in subsection (c)(1)(B); and

18 (iii) subsection (a)(3) is a severity level 9, nonperson felony, except  
19 as provided in subsection (c)(1)(B); and

20 (B) (i) subsection (a)(1), with intent to commit the theft of a firearm,  
21 is a severity level 5, person felony; and

22 (ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a  
23 firearm, is a severity level 5, nonperson felony.

24 (2) Aggravated burglary as defined in:

25 (A) Subsection (b)(1) is a severity level 4, person felony; and

26 (B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

27 (d) As used in this section, "sexually motivated" means that one of  
28 the purposes for which the defendant committed the crime was for the  
29 purpose of the defendant's sexual gratification.

30 (e) This section shall not apply to any person entering into or  
31 remaining in a retail or commercial premises at any time that it is open to  
32 the public after having received a personal communication from the owner  
33 or manager of such premises not to enter such premises pursuant to K.S.A.  
34 2022 Supp. 21-5808, and amendments thereto, except when such person is  
35 entering into or remaining in such premises with the intent to commit a  
36 person felony or sexually motivated crime therein.

37 Sec. 2. K.S.A. 2022 Supp. 21-5807 is hereby repealed.

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