

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 463

As Amended by House Committee on Judiciary

Brief*

SB 463, as amended, would prohibit persons who engaged or participated, or attempted to engage or participate, in wrongful conduct from bringing an action for negligence, or collecting damages for negligent conduct, related to such wrongful conduct.

For purposes of the bill, “wrongful conduct” would mean:

- Any violation of:
 - Federal law that constitutes a crime, regardless of whether such violation results in an arrest, citation, indictment, or conviction; or
 - State law, an ordinance, or resolution adopted by a political subdivision of the state that constitutes a felony or a class A or B misdemeanor, regardless of whether such violation results in an arrest, citation, indictment, or conviction;

Wrongful conduct would not include conduct that constitutes trespass if:

- The person committing such conduct is under 18 years of age;
- The attractive nuisance doctrine applies to such conduct; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Such person did not have the intent to commit any other violation described above.

Burden of Proof for Wrongful Conduct

The bill would place the burden of proof, by a preponderance of the evidence, that a person was engaging or participating, or attempting to engage or participate, in wrongful conduct, on the party against whom the negligence is alleged.

Background

The bill was introduced by Senate Committee on Judiciary at the request of Senator Warren on behalf of Varidon Strategies.

Senate Committee on Judiciary

In the Senate Committee hearing, a representative of Alliance for Consumers Action Fund provided **proponent** testimony, who stated the bill offers a principled and practical solution to the threat of ideological lawfare.

Written-only proponent testimony was provided by a private citizen.

Opponent testimony was provided by representatives of Kansas Trial Lawyers Association and Shamberg, Johnson, & Bergman law firm. Opponents generally stated the bill creates ambiguity in the law and would take away the duty owed to invitees.

Written-only opponent testimony was provided by representatives of ACLU of Kansas; Protecting KS Children from Sexual Predators; and Slape & Howard.

No other testimony was provided.

The Senate Committee amended the bill to change the definition of “wrongful conduct” to include a violation of federal law that constitutes a crime, or state law or ordinance or resolution adopted by a political subdivision of the state that constitutes a felony or a class A or B misdemeanor.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to:

- Clarify that noneconomic damages would be prohibited from being awarded in an action for negligence arising from an automobile accident to a person who was an unauthorized alien at the time of such accident [*Note:* the Senate Committee of the Whole subsequently amended the bill to remove these provisions.]; and
- Remove provisions that would have:
 - Prohibited the awarding of noneconomic damages in an action for negligence arising from an automobile accident to a person who was an unauthorized alien at the time of such accident;
 - Required the party in such an action for negligence arising from an automobile accident prove such party was a citizen or lawful permanent resident of the United States;
 - Required such party seeking noneconomic damages to have the burden of proof by a preponderance of the evidence; and
 - Defined “unauthorized alien” for purposes of the bill.

House Committee on Judiciary

In the House Committee hearing, representatives of Alliance for Consumers Action Fund and Stillwater Technical Solutions provided **proponent** testimony, who stated the bill offers a principled and practical solution to the threat of ideological lawfare.

Written-only proponent testimony was provided by representatives of the Kansas Chamber of Commerce and National Federation of Independent Business; a representative of the Kansas Agribusiness Retailers Association and Kansas Grain and Feed Association; and a private citizen.

Opponent testimony was provided by a representative of the Kansas Trial Lawyers Association and Dickerson Oxtom law firm. The opponent generally stated the bill creates ambiguity in the law and would take away the duty owed to invitees.

No other testimony was provided.

The House Committee amended the bill to:

- Remove provisions related to damages, fault apportionment, negligent security, and certain definitions;
- Remove provisions that would have made the bill's provisions applicable to pending claims on the effective date of the bill;
- Clarify that “wrongful conduct” does not include conduct that constitutes trespass if certain conditions are met; and
- Make technical amendments.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase expenditures for the Judicial Branch and judge and staff time, but a precise fiscal effect cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Judiciary; civil action; negligence; damages; negligent security