

HOUSE BILL No. 2298

By Committee on Corrections and Juvenile Justice

2-12

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to interference with law enforcement; relating to giving a false alarm;
3 amending K.S.A. 2012 Supp. 21-5904 and 21-6207 and repealing the
4 existing sections; also repealing K.S.A. 2012 Supp. 21-5904a.
5

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

7 Section 1. K.S.A. 2012 Supp. 21-5904 is hereby amended to read as
8 follows: 21-5904. (a) Interference with law enforcement is:

9 (1) Falsely reporting to a law enforcement officer, *law enforcement*
10 *agency* or state investigative agency:

11 (A) That a particular person has committed a crime, knowing that
12 such information is false and intending that the officer or agency shall act
13 in reliance upon such information; ~~or~~

14 (B) any information, knowing that such information is false and
15 intending to influence, impede or obstruct such officer's or agency's duty;

16 (C) *that a crime has been committed or any information concerning a*
17 *crime or suspected crime, knowing that such information is false and*
18 *intending that the officer or agency shall act in reliance upon such*
19 *information; or*

20 (D) *any information concerning the death, disappearance or*
21 *potential death or disappearance of a child under the age of 13, knowing*
22 *that such information is false and intending that the officer or agency shall*
23 *act in reliance upon such information;*

24 (2) concealing, destroying or materially altering evidence with the
25 intent to prevent or hinder the apprehension or prosecution of any person;
26 or

27 (3) knowingly obstructing, resisting or opposing any person
28 authorized by law to serve process in the service or execution or in the
29 attempt to serve or execute any writ, warrant, process or order of a court,
30 or in the discharge of any official duty.

31 (b) ~~(1)~~ Interference with law enforcement as defined in:

32 (1) Subsection (a)(1)(A) is a:

33 (A) *Class A nonperson misdemeanor in the case of a misdemeanor;*
34 *and*

35 (B) *severity level 8, nonperson felony in the case of a felony;*

36 (2) *subsection (a)(1)(B) is a:*

1 (A) Class A nonperson misdemeanor in the case of a misdemeanor;
2 and

3 (B) severity level 9, nonperson felony in the case of a felony;

4 (3) subsection (a)(1)(C) is a class A misdemeanor; ~~or~~

5 (4) subsection (a)(1)(D) is a severity level 8, nonperson felony;

6 (5) subsection (a)(2) is a:

7 (A) Class A nonperson misdemeanor, ~~except as provided in~~
8 ~~subsection (b)(2)-~~ in the case of a misdemeanor; and

9 (B) severity level 8, nonperson felony in the case of a felony; and

10 (6) subsection (a)(3) is a:

11 (A) Severity level 9, nonperson felony in the case of a felony, or
12 resulting from parole or any authorized disposition for a felony; and

13 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
14 resulting from any authorized disposition for a misdemeanor, or a civil
15 case.

16 ~~(2) Interference with law enforcement as defined in:~~

17 ~~(A) Subsection (a)(1)(A) or (a)(2) is a severity level 8, nonperson~~
18 ~~felony in the case of a felony; and~~

19 ~~(B) subsection (a)(1)(B) is a severity level 9, nonperson felony in the~~
20 ~~case of a felony.~~

21 ~~(3) Interference with law enforcement as defined in subsection (a)(3)~~
22 ~~is a:~~

23 ~~(A) Severity level 9, nonperson felony in the case of a felony, or~~
24 ~~resulting from parole or any authorized disposition for a felony; and~~

25 ~~(B) class A nonperson misdemeanor in the case of a misdemeanor, or~~
26 ~~resulting from any authorized disposition for a misdemeanor, or a civil~~
27 ~~case.~~

28 Sec. 2. K.S.A. 2012 Supp. 21-6207 is hereby amended to read as
29 follows: 21-6207. (a) Giving a false alarm is:

30 (1) Transmitting in any manner to the fire department of any city,
31 township or other municipality a false alarm of fire, knowing at the time of
32 such transmission that there is no reasonable ground for believing that
33 such fire exists; or

34 (2) making a call in any manner for emergency service assistance
35 including police, fire, medical or other emergency service provided under
36 K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of
37 such call that there is no reasonable ground for believing such assistance is
38 needed.

39 (b) (1) Giving a false alarm is a class A nonperson misdemeanor,
40 *except as provided in subsection (b)(2).*

41 (2) *Giving a false alarm is a severity level 10, nonperson felony when*
42 *the person uses any means, including, but not limited to, electronic devices*
43 *or software, to alter, conceal or disguise the identity of the person*

1 *transmitting such request for emergency service.*

2 *(c) An offender who violates the provisions of this section may also*
3 *be prosecuted for, convicted of, and punished for interference with law*
4 *enforcement, K.S.A. 2012 Supp. 21-5904, and amendments thereto.*

5 Sec. 3. K.S.A. 2012 Supp. 21-5904, 21-5904a and 21-6207 are
6 hereby repealed.

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