

SENATE BILL No. 113

By Committee on Judiciary

1-31

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; amending K.S.A. 2016 Supp. 21-5807 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 21-5807 is hereby amended to read as
7 follows: 21-5807. (a) Burglary is, without authority, entering into or
8 remaining within any:

9 (1) Dwelling, with intent to commit a felony, theft or sexually
10 motivated crime therein;

11 (2) building, manufactured home, mobile home, tent or other
12 structure which is not a dwelling, with intent to commit a felony, theft or
13 sexually motivated crime therein; or

14 (3) vehicle, aircraft, watercraft, railroad car or other means of
15 conveyance of persons or property, with intent to commit a felony, theft or
16 sexually motivated crime therein.

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

19 (1) Dwelling in which there is a human being, with intent to commit a
20 felony, theft or sexually motivated crime therein;

21 (2) building, manufactured home, mobile home, tent or other
22 structure which is not a dwelling in which there is a human being, with
23 intent to commit a felony, theft or sexually motivated crime therein; or

24 (3) vehicle, aircraft, watercraft, railroad car or other means of
25 conveyance of persons or property in which there is a human being with
26 intent to commit a felony, theft or sexually motivated crime therein.

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

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

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

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

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

36 (ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a

1 firearm, is a severity level 5, nonperson felony.

2 (2) Aggravated burglary as defined in:

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

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

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

8 (e) This section shall not apply to any person entering into or
9 remaining in a retail or commercial premises at any time that it is open to
10 the public after having received a personal communication from the owner
11 or manager of such premises not to enter such premises pursuant to K.S.A.
12 2016 Supp. 21-5808, and amendments thereto, except when such person is
13 entering into or remaining in such premises with the intent to commit a
14 person felony or sexually motivated crime therein.

15 Sec. 2. K.S.A. 2016 Supp. 21-5807 is hereby repealed.

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