

**HOUSE BILL No. 2394**

By Committee on Federal and State Affairs

3-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to abuse of a child; creating the crime of aggravated abuse of a child;  
3 criminal penalties; amending K.S.A. 2018 Supp. 21-5602 and repealing  
4 the existing section.

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

7 Section 1. K.S.A. 2018 Supp. 21-5602 is hereby amended to read as  
8 follows: 21-5602. (a) Abuse of a child is ~~knowingly:~~

9 (1) ~~Torturing or cruelly beating any child under the age of 18 years;~~  
10 ~~(2) shaking any child under the age of 18 years which results in great~~  
11 ~~bodily harm to the child; or~~

12 ~~(3) inflicting cruel and inhuman corporal punishment upon any child~~  
13 ~~under the age of 18 years knowingly causing physical contact with any~~  
14 ~~child less than 18 years of age that results in or could reasonably be~~  
15 ~~expected to result in physical injury to the child; or~~

16 (2) *recklessly causing bodily harm to any child less than 18 years of*  
17 *age.*

18 (b) *Aggravated abuse of a child is:*

19 (1) *Knowingly torturing or cruelly beating any child less than 18*  
20 *years of age;*

21 (2) *knowingly inflicting cruel and inhuman corporal punishment that*  
22 *results in bodily harm or when done in such a way that disfigurement or*  
23 *death could occur to a child less than 18 years of age;*

24 (3) *knowingly inflicting cruel and inhuman corporal punishment with*  
25 *a deadly weapon;*

26 (4) *knowingly using unreasonable physical restraint against a child*  
27 *less than 18 years of age through means including, but not limited to,*  
28 *caging or confining the child in any space not designed for human*  
29 *habitation or binding the child in a way that is not medically necessary; or*

30 (5) *recklessly causing great bodily harm, permanent disability or*  
31 *disfigurement to any child less than 18 years of age.*

32 (c) (1) ~~Abuse of a child is a severity level 5, person felony as defined~~  
33 ~~in:~~

34 (A) *subsection (a)(1) is a severity level 9, person felony; and*

35 (B) *subsection (a)(2) is a severity level 7, person felony.*

36 (2) *Aggravated abuse of a child as defined in:*

1       (A) *subsections (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 5,*  
2 *person felony; and*

3       (B) *subsection (b)(5) is a severity level 3, person felony.*

4       ~~(e)~~(d) A person who violates the provisions of this section may also  
5 be prosecuted for, convicted of, and punished for any form of battery or  
6 homicide.

7       Sec. 2. K.S.A. 2018 Supp. 21-5602 is hereby repealed.

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