

HOUSE BILL No. 2468

By Committee on Judiciary

1-23

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. 2019 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. 2019 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 away 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 on*
25 *any child less than 18 years of age with 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 as defined in:*

33 (1)(A) ~~Severity level 5, person felony, except as provided in~~
34 ~~subsection (b)(2); and~~

35 (2) ~~severity level 4, person felony, if the victim is under the age of six~~
36 ~~years~~ *Subsection (a)(1) is a severity level 9, person felony; and*

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

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

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

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

6 (c) A person who violates the provisions of this section may also be
7 prosecuted for, convicted of, and punished for any form of battery or
8 homicide.

9 Sec. 2. K.S.A. 2019 Supp. 21-5602 is hereby repealed.

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