

As Amended by House Committee

Session of 2020

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 committing any of~~  
9 **the following acts against a child under 18 years of age:**

- 10 (1) ~~Torturing or cruelly beating any child under the age of 18 years;~~  
11 (2) ~~shaking any child under the age of 18 years which results in great~~  
12 ~~bodily harm to the child; or~~  
13 (3) ~~inflicting cruel and inhuman corporal punishment upon any child~~  
14 ~~under the age of 18 years *Knowingly causing physical contact with any*~~  
15 ~~*child less than 18 years of age that results in or could reasonably be*~~  
16 ~~*expected to result in physical injury to the child; or*~~  
17 (2) ~~recklessly causing bodily harm to any child less than 18 years of~~  
18 ~~age.~~

19 (b) ~~Aggravated abuse of a child is:~~  
20 (1) ~~Knowingly torturing or cruelly beating any child less than 18-~~  
21 ~~years of age;~~

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

25 (3) ~~knowingly inflicting cruel and inhuman corporal punishment on~~  
26 ~~any child less than 18 years of age with a deadly weapon;~~

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

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

33 ~~torturing, cruelly beating, cruelly striking or cruelly kicking;~~

34 (B) ~~knowingly inflicting cruel and inhuman corporal punishment;~~

35 ~~or~~

36 (C) ~~knowingly using cruel and inhuman physical restraint,~~

1 including caging or confining the child in a space not designated for  
2 human habitation or binding the child in a way that is not medically  
3 necessary;

4 (2) recklessly causing great bodily harm, abusive head trauma,  
5 permanent disability or disfigurement; or

6 (3)(A) knowingly causing great bodily harm, abusive head  
7 trauma, permanent disability or disfigurement;

8 (B) knowingly inflicting cruel and inhuman corporal punishment  
9 with a deadly weapon; or

10 (C) knowingly impeding the normal breathing or circulation of  
11 the blood by applying pressure on the throat, neck or chest of the child  
12 or by blocking the nose or mouth of the child in a manner whereby  
13 death or great bodily harm could be inflicted.

14 ~~(e)(b) (1) Abuse of a child is a as defined in:~~

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

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

19 ~~(B) subsection (a)(2) is a severity level 7, person felony.~~

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

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

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

24 ~~(e) A person who violates the provisions of this section may also be~~  
25 ~~prosecuted for, convicted of, and punished for any form of battery or~~  
26 ~~homicide Subsection (a)(1) is a:~~

27 (i) Severity level 5, person felony if the child is at least six years of  
28 age but less than 18 years of age; and

29 (ii) severity level 3, person felony if the child is under six years of  
30 age;

31 (B) subsection (a)(2) is a severity level 4, person felony; and

32 (C) subsection (a)(3) is a severity level 3, person felony.

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

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