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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 31, 2023
Subject: Bill Brief for SB 73

Senate Bill 73 adds domestic battery and violation of a protection order to the crimes that a person can have the intent to commit when committing burglary or aggravated burglary.

The bill amends K.S.A. 21-5807, the statute in the Kansas criminal code that defines the crimes of burglary and aggravated burglary. Current law prohibits, without authority, entering into or remaining within any dwelling, building or other structure, or means of conveyance, with intent to commit a felony, theft, or sexually motivated crime therein. The bill amends the elements of the crime to include entering into or remaining within any dwelling, building or other structure, or means of conveyance, with intent to commit domestic battery or violation of a protection order. The “intent to commit a felony” language in the current law usually would not encompass the intent to commit domestic battery or violation of a protection order because those are typically misdemeanor crimes.