

SENATE BILL No. 240

By Committee on Judiciary

2-10

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to aggravated endangering a child; increasing the criminal penalties in
3 certain environments where any person is distributing, possessing with
4 intent to distribute, manufacturing or attempting to manufacture
5 fentanyl-related controlled substances; amending K.S.A. 2022 Supp.
6 21-5601 and repealing the existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2022 Supp. 21-5601 is hereby amended to read as
10 follows: 21-5601. (a) Endangering a child is knowingly and unreasonably
11 causing or permitting a child under the age of 18 years to be placed in a
12 situation in which the child's life, body or health may be endangered.

13 (b) Aggravated endangering a child is:

14 (1) Recklessly causing or permitting a child under the age of 18 years
15 to be placed in a situation in which the child's life, body or health is
16 endangered;

17 (2) causing or permitting such child to be in an environment where
18 the person knows or reasonably should know that any person is
19 distributing, possessing with intent to distribute, manufacturing or
20 attempting to manufacture any methamphetamine, or analog thereof, as
21 defined by ~~subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1),~~
22 and amendments thereto, *or any fentanyl-related controlled substance*; or

23 (3) causing or permitting such child to be in an environment where
24 the person knows or reasonably should know that drug paraphernalia or
25 volatile, toxic or flammable chemicals are stored for the purpose of
26 manufacturing or attempting to manufacture any methamphetamine, or
27 analog thereof, as defined by ~~subsection (d)(3) or (f)(1) of K.S.A. 65-~~
28 ~~4107(d)(3) or (f)(1),~~ and amendments thereto, *or any fentanyl-related*
29 *controlled substance*.

30 (c) (1) Endangering a child is a class A person misdemeanor.

31 (2) Aggravated endangering a child is a severity level 9, person
32 felony. The sentence for a violation of aggravated endangering a child
33 shall be served consecutively to any other term or terms of imprisonment
34 imposed. Such sentence shall not be considered a departure and shall not
35 be subject to appeal.

36 (d) Nothing in subsection (a) shall be construed to mean a child is

1 endangered for the sole reason the child's parent or guardian, in good faith,
2 selects and depends upon spiritual means alone through prayer, in
3 accordance with the tenets and practice of a recognized church or religious
4 denomination, for the treatment or cure of disease or remedial care of such
5 child.

6 (e) As used in this section:

7 (1) "Manufacture" means the same as in K.S.A. 2022 Supp. 21-5701,
8 and amendments thereto; ~~and~~

9 (2) "drug paraphernalia" means the same as in K.S.A. 2022 Supp. 21-
10 5701, and amendments thereto; *and*

11 (3) *"fentanyl-related controlled substance" means any substance*
12 *designated in K.S.A. 65-4105(b)(1), (b)(2), (b)(4), (b)(10), (b)(11), (b)(14),*
13 *(b)(15), (b)(16), (b)(20), (b)(22), (b)(23), (b)(24), (b)(37), (b)(41), (b)(45),*
14 *(b)(46), (b)(47), (b)(49), (b)(57), (b)(58), (b)(59), (b)(60), (b)(61), (b)(62),*
15 *(b)(73), (b)(74), (b)(78), (g)(1) or (g)(2) or 65-4107(c)(1), (c)(6), (c)(9),*
16 *(c)(26), (c)(28), (c)(30), (f)(3)(A) or (f)(3)(B), and amendments thereto, or*
17 *any analog thereof.*

18 Sec. 2. K.S.A. 2022 Supp. 21-5601 is hereby repealed.

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