

HOUSE BILL No. 2583

By Representatives Hawkins and Owens

1-24

Proposed Amendments to HB 2583 - assistance dogs
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 5, 2024

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against the public morals; increasing the criminal penalty for
3 harming or killing certain dogs and horses; requiring restitution for
4 such crime to include veterinary medical treatment, funeral and burial
5 expenses and replacement of such animal; amending K.S.A. 21-6416
6 and 21-6604 and repealing the existing sections.

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

9 Section 1. K.S.A. 21-6416 is hereby amended to read as follows: 21-
10 6416. (a) Inflicting harm, disability or death to a police dog, arson dog,
11 assistance dog, game warden dog-or, search and rescue dog or police
12 horse is knowingly, and without lawful cause or justification, poisoning,
13 inflicting great bodily harm, permanent disability or death; upon a police
14 dog, arson dog, assistance dog, game warden dog-or, search and rescue
15 dog or police horse.

, disability or death to an assistance dog or
inflicting harm

strike

16 (b) Inflicting harm; that does not result in disability or death to a
17 police dog, arson dog, assistance dog, game warden dog-or, search and
18 rescue dog or police horse is a nonperson felony. Upon conviction of this
19 subsection, A person convicted of a violation of this subsection shall be
20 sentenced to not less than 30 days-or nor more than one year's
21 imprisonment and be fined not less than \$500 nor more than \$5,000. The
22 person convicted shall not be eligible for release on probation, suspension
23 or reduction of sentence or parole until the person has served-the a
24 minimum mandatory sentence-as provided herein of 30 days. During the
25 mandatory 30 days imprisonment, such offender shall have a
26 psychological evaluation prepared for the court to assist the court in
27 determining conditions of probation. Such conditions shall include, but not
28 be limited to, the completion of an anger management program.

strike

29 (c) (1) Except as provided in paragraph (2), inflicting harm that
30 results in disability or death to a police dog, arson dog, assistance dog,
31 game warden dog, search and rescue dog or police horse is a severity
32 level 4, nonperson felony.

33 (2) Inflicting harm that results in disability or death to a police dog,
34 arson dog, assistance dog, game warden dog, search and rescue dog or
35 police horse during the commission of fleeing or attempting to elude a
36 police officer as described in K.S.A. 8-1568, and amendments thereto,

1 *interference with law enforcement as described in K.S.A. 21-5904, and*
2 *amendments thereto, or escape from custody or aggravated escape from*
3 *custody as described in K.S.A. 21-5911, and amendments thereto, is a*
4 *severity level 3, nonperson felony.*

5 (3) *The following conditions shall apply to a sentence for a violation*
6 *of this subsection:*

7 (A) *As a condition of any probation granted under this subsection,*
8 *the person shall serve at least 90 days of imprisonment;*

9 (B) *the person shall be required to pay a fine of at least \$10,000; and*

10 (C) *the person shall not be eligible for release on probation,*
11 *suspension or reduction of sentence or parole until the person has served*
12 *the mandatory sentence of 90 days.*

13 (d) *During the mandatory period of imprisonment provided for in*
14 *subsections (b) and (c), the offender shall have a psychological evaluation*
15 *prepared to assist the court in determining conditions of probation. Such*
16 *conditions shall include, but not be limited to, the completion of an anger*
17 *management program.*

18 (e) *As used in this section:*

19 (1) *"Arson dog" means any dog that is owned, or the service of which*
20 *is employed, by the state fire marshal or a fire department for the principal*
21 *purpose of aiding in the detection of liquid accelerants in the investigation*
22 *of fires;*

23 (2) *"assistance dog" means the same as defined in K.S.A. 39-1113,*
24 *and amendments thereto;*

25 (3) *"fire department" means a public fire department under the*
26 *control of the governing body of a city, township, county, fire district or*
27 *benefit district or a private fire department operated by a nonprofit*
28 *corporation providing fire protection services for a city, township, county,*
29 *fire district or benefit district under contract with the governing body of*
30 *the city, township, county or district;*

31 (4) *"game warden dog" means any dog that is owned, or the service*
32 *of which is employed, by the Kansas department of wildlife and parks for*
33 *the purpose of aiding in detection of criminal activity, enforcement of*
34 *laws, apprehension of offenders or location of persons or wildlife;*

35 (5) *"police dog" means any dog that is owned, or the service of which*
36 *is employed, by a law enforcement agency for the principal purpose of*
37 *aiding in the detection of criminal activity, enforcement of laws or*
38 *apprehension of offenders;*

39 (6) *"police horse" means any horse that is owned or the service of*
40 *which is employed by a law enforcement agency for the principal purpose*
41 *of aiding in the detection of criminal activity, enforcement of laws or*
42 *apprehension of offenders; and*

43 (6)(7) *"search and rescue dog" means any dog that is owned or the*

1 defendant, after being apprised of the right to a revocation hearing before
2 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses
3 to waive such right.

4 (t) Whenever the court has assigned the defendant to a community
5 correctional services program pursuant to subsection (a)(4), the defendant's
6 community corrections officer, with the concurrence of the community
7 corrections director, may impose the violation sanctions as provided in
8 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
9 of the court unless the defendant, after being apprised of the right to a
10 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and
11 amendments thereto, refuses to waive such right.

12 (u) In addition to any of the above, the court shall authorize an
13 additional 18 days of confinement in a county jail to be reserved for
14 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and
15 amendments thereto.

16 (v) The amendments made to this section by section 1 of chapter 9 of
17 the 2020 Session Laws of Kansas are procedural in nature and shall be
18 construed and applied retroactively.

19 Sec. 3. K.S.A. 21-6416 and 21-6604 are hereby repealed.

20 Sec. 4. This act shall take effect and be in force from and after its
21 publication in the statute book.