

SENATE BILL No. 419

By Committee on Judiciary

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to aggravated endangering a child; increasing the criminal penalties in
3 certain environments associated with fentanyl-related controlled
4 substances or when bodily harm to the child results; amending K.S.A.
5 21-5601 and repealing the existing section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

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

12 (b) Aggravated endangering a child is:

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

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

22 (3) causing or permitting such child to be in an environment where
23 the person knows or reasonably should know that:

24 (A) Drug paraphernalia or volatile, toxic or flammable chemicals are
25 stored *or used* for the purpose of manufacturing or attempting to
26 manufacture any methamphetamine, ~~or analog thereof, as defined by~~
27 ~~subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;~~ or

28 (B) *drug paraphernalia or toxic materials, compounds or mixtures*
29 *are stored or used for the purpose of manufacturing or attempting to*
30 *manufacture any fentanyl-related controlled substance.*

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

32 (2) Aggravated endangering a child is a:

33 (A) Severity level 9, person felony *except as provided in subsection*
34 *(c)(2)(B); and*

35 (B) *severity level 6, person felony when bodily harm is inflicted upon*
36 *the child.*

1 (3) The sentence for a violation of aggravated endangering a child
2 shall be served consecutively to any other term or terms of imprisonment
3 imposed. Such sentence shall not be considered a departure and shall not
4 be subject to appeal.

5 (d) Nothing in subsection (a) shall be construed to mean a child is
6 endangered for the sole reason the child's parent or guardian, in good faith,
7 selects and depends upon spiritual means alone through prayer, in
8 accordance with the tenets and practice of a recognized church or religious
9 denomination, for the treatment or cure of disease or remedial care of such
10 child.

11 (e) As used in this section:

12 (1) "*Drug paraphernalia*," "*fentanyl-related controlled substance*"
13 and "*manufacture*" ~~means~~ *mean* the same as *defined* in K.S.A. 21-5701,
14 and amendments thereto; and

15 (2) "~~drug paraphernalia~~*methamphetamine*" ~~means the same as any~~
16 *substance designated* in K.S.A. ~~21-5701~~ *65-4107(d)(3) or (f)(1)*, and
17 amendments thereto, *or any analog thereof*.

18 Sec. 2. K.S.A. 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.