

2023 Kansas Statutes

48-939. Civil penalty for intentional violation of act or rules and regulations, orders or proclamations thereunder; enforcement through civil action by the attorney general or county or district attorney; injunction or restraining order; criminal penalty for knowing violation of certain orders. (a) (1) Except as provided in paragraph (2), a person who intentionally violates any provision of this act, any rule and regulation adopted by the adjutant general under this act or any lawful order or proclamation issued under authority of this act whether pursuant to a proclamation declaring a state of disaster emergency under K.S.A. 48-924, and amendments thereto, or a declaration of a state of local disaster emergency under K.S.A. 48-932, and amendments thereto, may incur a civil penalty in an amount not to exceed \$2,500 per violation. Each penalty may be assessed in addition to any other penalty provided by law.

(2) A knowing violation of an executive order issued pursuant to K.S.A. 48-925, and amendments thereto, that mandates a curfew or prohibits public entry into an area affected by a disaster is a class A nonperson misdemeanor.

(b) Violations of subsection (a)(1) shall be enforced through an action brought under chapter 60 of the Kansas Statutes Annotated, and amendments thereto, by the attorney general or the county or district attorney in the county in which the violation took place. Civil penalties sued for and recovered by the county or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

(c) The attorney general or any county or district attorney may bring an action to enjoin, or to obtain a restraining order, against a person who has violated, is violating or is otherwise likely to violate this act.

History: L. 1975, ch. 283, § 20; L. 2020, ch. 1, § 36 (Special Session); L. 2021, ch. 7, § 9; March 25.