

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2339**, on page 69, in line 7, after "(6)" by inserting "knowingly and maliciously";

On page 72, in line 1, after "dog" by inserting ", with no requirement of culpable mental state";

On page 219, in line 17, by striking "the effective date of this act" and inserting "May 25, 2000";

On page 322, in line 43, after "21-3502," by inserting "prior to its repeal,";

On page 323, in line 1, after "Kansas," by inserting "and amendments thereto,"; in line 2, after "3503," by inserting "prior to its repeal,"; in line 3, after "Kansas," by inserting "and amendments thereto,"; also in line 3, after "21-3504," by inserting "prior to its repeal,"; in line 4, after "Kansas," by inserting "and amendments thereto,"; in line 5, after "21-3505," by inserting "prior to its repeal,"; in line 6, after "Kansas," by inserting "and amendments thereto,"; in line 7, after "21-3506," by inserting "prior to its repeal,"; in line 8, after "Kansas," by inserting "and amendments thereto,"; also in line 8, after "21-3602," by inserting "prior to its repeal,"; in line 10, after "Kansas," by inserting "and amendments thereto,"; also in line 10, after "21-3603," by inserting "prior to its repeal,"; in line 11, after "Kansas," by inserting "and amendments thereto,"; also in line 11, by striking ", and"; in line 12, by striking all before the period;

On page 464, following line 3, by inserting:

"Sec. 285. Section 79 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 79. (a) Abuse of a child is knowingly:

(1) Torturing, or cruelly beating ~~or shaking~~ any child under the age of 18 years ~~which results~~

~~in great bodily harm to the child;~~

(2) shaking any child under the age of 18 years which results in great bodily harm to the child;

or

~~(2)(3)~~ inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.

(b) Abuse of a child is a severity level 5, person felony.

(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.

Sec. 286. Section 228 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 228. (a) Unlawful conduct of cockfighting is:

(1) Causing, for amusement or gain, any gamecock to fight with or injure or kill another gamecock, with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, grooming, preparing or medicating any gamecock with the intent of having it fight with or injure or kill another gamecock.

(b) Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers or anything worn by a gamecock during a fight to further the killing power of such gamecock.

(c) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.

(d) (1) Unlawful conduct of cockfighting is a level 10, nonperson felony.

(2) Unlawful possession of cockfighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of cockfighting is a class B nonperson misdemeanor.

(e) As used in this section, "gamecock" means a domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl.

(f) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.

Sec. 287. K.S.A. 2010 Supp. 21-36a03 is hereby amended to read as follows: 21-36a03. (a) It shall be unlawful for any person to manufacture any controlled substance or controlled substance analog.

(b) Violation or attempted violation of subsection (a) is a drug severity level 1 felony. The provisions of subsection (d) of ~~K.S.A. 21-3301~~section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of attempting to unlawfully manufacture any controlled substance pursuant to this section.

(c) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to re-offend, the court imposes pretrial supervision, or the defendant agrees to participate in a licensed or certified drug treatment program.

(d) The sentence of a person who violates this section shall not be subject to statutory provisions for suspended sentence, community service work or probation.

(e) The sentence of a person who violates this section or K.S.A. 65-4159 prior to its repeal, shall not be reduced because these sections prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to such sections repeal, or K.S.A. 2010 Supp. 21-36a05, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 464, in line 4, by striking "Sec. 285." where it appears for the second time; in line

20, after "21-3608a," by inserting "21-36a03,"; in line 39, after "Supp." by inserting "8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas;"

On page 465, in line 3, after "78," by inserting "79,"; in line 4, after "225," by inserting "228,";

On page 1, in the title, in line 11, after "75-5269;" by inserting "K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas;" in line 13, by striking "8-1567,"; in line 15, after "21-3221," by inserting "21-36a03,"; in line 33, after "78," by inserting "79,"; in line 35, after "225," by inserting "228,";

On page 2, in the title, in line 8, after "Supp." by inserting "8-1567,"

_____ District.