

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Corrections and Juvenile Justice** recommends **HB 2526** be amended on page 1, following line 8, by inserting:

"Section 1. K.S.A. 2013 Supp. 21-5111 is hereby amended to read as follows: 21-5111. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

(a) "Act" includes a failure or omission to take action.

(b) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.

(c) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, whose duties include assignments which involve seizing or taking any animal into custody.

~~(e)~~(d) "Conduct" means an act or a series of acts, and the accompanying mental state.

~~(d)~~(e) "Conviction" includes a judgment of guilt entered upon a plea of guilty.

~~(e)~~(f) "Deception" means knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not deception.

~~(f)~~(g) "Deprive permanently" means to:

(1) Take from the owner the possession, use or benefit of property, without an intent to

restore the same;

(2) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(3) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.

~~(g)~~ (h) "Distribute" means the actual or constructive transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale, furnishing, buying for, delivering, giving, or any act that causes or is intended to cause some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, or otherwise authorized by law.

~~(h)~~ (i) "DNA" means deoxyribonucleic acid.

~~(i)~~ (j) "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition:

(1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

(2) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

~~(j)~~ (k) "Domestic violence offense" means any crime committed whereby the underlying factual basis includes an act of domestic violence.

~~(k)~~ (l) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.

~~(l)~~ (m) "Expungement" means the sealing of records such that the records are unavailable except to the petitioner and criminal justice agencies as provided by K.S.A. 22-4701 et seq., and amendments thereto, and except as provided in this act.

~~(m)~~ (n) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.

(o) "Firefighter" means a regular or volunteer member of an organized fire department of any city, county, township or other political subdivision of the state whose duties include the fighting and extinguishment of fires and the protection of life and property therefrom.

~~(n)~~ (p) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.

~~(o)~~ (q) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

~~(p)~~(r) "Law enforcement officer" means:

(1) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;

(2) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 2013 Supp. 21-5412 and subsection (d) of K.S.A. 2013 Supp. 21-5413, and amendments thereto, any employee of the Kansas department of corrections; or

(3) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.

~~(q)~~(s) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.

~~(r)~~(t) "Obtains or exerts control" over property includes, but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property.

~~(s)~~(u) "Owner" means a person who has any interest in property.

~~(t)~~(v) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

~~(u)~~(w) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

~~(v)~~(x) "Possession" means having joint or exclusive control over an item with knowledge of or intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

~~(w)~~(y) "Property" means anything of value, tangible or intangible, real or personal.

~~(x)~~(z) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

~~(y)~~(aa) "Prosecutor" means the same as prosecuting attorney in K.S.A. 22-2202, and amendments thereto.

~~(z)~~(bb) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

~~(aa)~~(cc) "Public officer" includes the following, whether elected or appointed:

(1) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state;

(2) a member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state;

(3) a judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy;

(4) a hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;

(5) a law enforcement officer; and

(6) any other person exercising the functions of a public officer under color of right.

~~(bb)~~(dd) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

~~(ee)~~(ee) "Solicit" or "solicitation" means to command, authorize, urge, incite, request or advise another to commit a crime.

~~(dd)~~(ff) "State" or "this state" means the state of Kansas and all land and water in respect to

which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

~~(ee)~~(gg) "Stolen property" means property over which control has been obtained by theft.

~~(ff)~~(hh) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

~~(gg)~~(ii) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.";

Also on page 1, in line 18, by striking the colon; in line 19, by striking "(1) "; in line 20, after "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 20, after "such" by inserting "firefighter or"; in line 21, after "such" by inserting "firefighter's or"; also in line 21, by striking "; or"; by striking all in lines 22 and 23; in line 24, by striking "duty";

On page 2, following line 2, by inserting:

"(g) Assault of a sports official is assault, as defined in subsection (a), committed against a sports official while such sports official is engaged in the performance of such sports official's duty.";

Also on page 2, in line 3, by striking "(g)" and inserting "(h)"; in line 8, by striking "A person convicted of aggravated assault of a law"; by striking all in lines 9 and 10; following line 14, by inserting "(7) Assault of a sports official is a class B person misdemeanor.";

Also on page 2, in line 15, by striking "(h)" and inserting "(i)"; following line 36, by inserting:

"(j) As used in this section, "sports official" means the same as provided in K.S.A. 2013 Supp. 21-6507, and amendments thereto.";

On page 3, in line 23, by striking the colon; by striking all in lines 24 through 26; in line 27, by striking "(B)"; also in line 27, after "identified" by inserting "firefighter, university or campus police officer, animal control officer or"; in line 31, after the first "such" by inserting "firefighter or"; also in line 31, after the second "such" by inserting "firefighter's or"; in line 33, by striking the colon; by striking all in lines 34 through 36; in line 37, by striking "(B)"; also in line 37, after "identified" by inserting "firefighter, university or campus police officer, animal control officer or"; in line 41, after the first "such" by inserting "firefighter or"; also in line 41, after the second "such" by inserting "firefighter's or";

On page 4, in line 17, by striking the colon; in line 18, by striking "(A)"; in line 19, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 19, by striking the first "the" and inserting "such firefighter or"; also in line 19, by striking the last "the" and inserting "such firefighter's or"; in line 20, by striking "or"; by striking all in lines 21 through 23; in line 25, by striking the colon; in line 26, by striking "(A)"; in line 27, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 27, by striking the first "the" and inserting "such firefighter or"; also in line 27, by striking the last "the" and inserting "such firefighter's or"; in line 28, by striking "or"; by striking all in lines 29 and 30; in line 31, by striking "duty"; in line 32, by striking the colon; in line 33, by striking "(A)"; in line 34, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 34, by striking the first "the" and inserting "such firefighter or"; also in line 34, by striking the last "the" and inserting "such firefighter's or"; in line 35, by striking "; or"; by striking all in lines 36 and 37; in line 38, by striking "duty";

On page 5, following line 30, by inserting:

"(i) Battery against a sports official is battery, as defined in subsection (a), committed against a sports official while such sports official is engaged in the performance of such sports official's duty.";

Also on page 5, in line 31, by striking "(i)" and inserting "(j)";

On page 6, following line 15, by inserting:

"(9) Battery against a sports official is a class A person misdemeanor.";

Also on page 6, in line 16, by striking "(j)" and inserting "(k)";

On page 7, in line 22, by striking "and"; in line 26, before the period by inserting:

"; and

(10) "sports official" means the same as provided in K.S.A. 2013 Supp. 21-6507, and amendments thereto";

On page 8, in line 37, after "Supp." by inserting "21-5111,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "21-5111,"; and the bill be passed as amended.

Chairperson