

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2493

By Committee on Corrections and Juvenile Justice

1-23

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sureties; unlawful sexual relations; appearance bonds; surety
3 regulation; amending K.S.A. 22-2809a and K.S.A. 2013 Supp. 21-
4 5512, 21-5703, 21-5709, 21-5710~~—and~~, 21-6316 **and 21-6329** and
5 repealing the existing sections.
6

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

8 Section 1. K.S.A. 2013 Supp. 21-5512 is hereby amended to read as
9 follows: 21-5512.(a) Unlawful sexual relations is engaging in consensual
10 sexual intercourse, lewd fondling or touching, or sodomy with a person
11 who is not married to the offender if:

12 (1) The offender is an employee or volunteer of the department of
13 corrections, or the employee or volunteer of a contractor who is under
14 contract to provide services for a correctional institution, and the person
15 with whom the offender is engaging in consensual sexual intercourse, lewd
16 fondling or touching, or sodomy is a person 16 years of age or older who
17 is an inmate;

18 (2) the offender is a parole officer, volunteer for the department of
19 corrections or the employee or volunteer of a contractor who is under
20 contract to provide supervision services for persons on parole, conditional
21 release or postrelease supervision and the person with whom the offender
22 is engaging in consensual sexual intercourse, lewd fondling or touching, or
23 sodomy is a person 16 years of age or older who is an inmate who has
24 been released on parole, conditional release or postrelease supervision and
25 the offender has knowledge that the person with whom the offender is
26 engaging in consensual sexual intercourse, lewd fondling or touching, or
27 sodomy is an inmate who has been released and is currently on parole,
28 conditional release or postrelease supervision;

29 (3) the offender is a law enforcement officer, an employee of a jail, or
30 the employee of a contractor who is under contract to provide services in a
31 jail and the person with whom the offender is engaging in consensual
32 sexual intercourse, lewd fondling or touching, or sodomy is a person 16
33 years of age or older who is confined to such jail;

34 (4) the offender is a law enforcement officer, an employee of a
35 juvenile detention facility or sanctions house, or the employee of a
36 contractor who is under contract to provide services in such facility or

1 sanctions house and the person with whom the offender is engaging in
2 consensual sexual intercourse, lewd fondling or touching, or sodomy is a
3 person 16 years of age or older who is confined to such facility or
4 sanctions house;

5 (5) the offender is an employee of the juvenile justice authority or the
6 employee of a contractor who is under contract to provide services in a
7 juvenile correctional facility and the person with whom the offender is
8 engaging in consensual sexual intercourse, lewd fondling or touching, or
9 sodomy is a person 16 years of age or older who is confined to such
10 facility;

11 (6) the offender is an employee of the juvenile justice authority or the
12 employee of a contractor who is under contract to provide direct
13 supervision and offender control services to the juvenile justice authority
14 and:

15 (A) The person with whom the offender is engaging in consensual
16 sexual intercourse, lewd fondling or touching, or sodomy is a person 16
17 years of age or older who has been:

18 (i) Released on conditional release from a juvenile correctional
19 facility under the supervision and control of the juvenile justice authority
20 or juvenile community supervision agency; or

21 (ii) placed in the custody of the juvenile justice authority under the
22 supervision and control of the juvenile justice authority or juvenile
23 community supervision agency; and

24 (B) the offender has knowledge that the person with whom the
25 offender is engaging in consensual sexual intercourse, lewd fondling or
26 touching, or sodomy is currently under supervision;

27 (7) the offender is an employee of the ~~department of social and~~
28 ~~rehabilitation services~~ *Kansas department for aging and disability services*
29 *or the Kansas department for children and families* or the employee of a
30 contractor who is under contract to provide services in a ~~social and~~
31 ~~rehabilitation services~~ *an aging and disability or children and families*
32 institution or to the ~~department of social and rehabilitation services~~ *Kansas*
33 *department for aging and disability services or the Kansas department for*
34 *children and families* and the person with whom the offender is engaging
35 in consensual sexual intercourse, lewd fondling or touching, or sodomy is
36 a person 16 years of age or older who is a patient in such institution or in
37 the custody of the secretary ~~of social and rehabilitation services~~ *for aging*
38 *and disability services or the secretary for children and families;*

39 (8) the offender is a worker, volunteer or other person in a position of
40 authority in a family foster home licensed by the department of health and
41 environment and the person with whom the offender is engaging in
42 consensual sexual intercourse, lewd fondling or touching, or sodomy is a
43 person 16 years of age or older who is a foster child placed in the care of

1 such family foster home;

2 (9) the offender is a teacher or other person in a position of authority
3 and the person with whom the offender is engaging in consensual sexual
4 intercourse, lewd fondling or touching, or sodomy is a person 16 years of
5 age or older who is a student enrolled at the school where the offender is
6 employed. If the offender is the parent of the student, the provisions of
7 subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto,
8 shall apply, not this subsection;

9 (10) the offender is a court services officer or the employee of a
10 contractor who is under contract to provide supervision services for
11 persons under court services supervision and the person with whom the
12 offender is engaging in consensual sexual intercourse, lewd fondling or
13 touching, or sodomy is a person 16 years of age or older who has been
14 placed on probation under the supervision and control of court services
15 and the offender has knowledge that the person with whom the offender is
16 engaging in consensual sexual intercourse, lewd fondling or touching, or
17 sodomy is currently under the supervision of court services;~~or~~

18 (11) the offender is a community correctional services officer or the
19 employee of a contractor who is under contract to provide supervision
20 services for persons under community corrections supervision and the
21 person with whom the offender is engaging in consensual sexual
22 intercourse, lewd fondling or touching, or sodomy is a person 16 years of
23 age or older who has been assigned to a community correctional services
24 program under the supervision and control of community corrections and
25 the offender has knowledge that the person with whom the offender is
26 engaging in consensual sexual intercourse, lewd fondling or touching, or
27 sodomy is currently under the supervision of community corrections; *or*

28 (12) *the offender is a surety or an employee of a surety and the*
29 *person with whom the offender is engaging in consensual sexual*
30 *intercourse, lewd fondling or touching, or sodomy is a person 16 years of*
31 *age or older who is the subject*~~*or co-signer*~~ *of a surety or bail bond*
32 *agreement with such surety and the offender has knowledge that the*
33 *person with whom the offender is engaging in consensual sexual*
34 *intercourse, lewd fondling or touching, or sodomy is the subject of a surety*
35 *or bail bond agreement with such surety.*

36 (b) Unlawful sexual relations as defined in:

37 (1) Subsection (a)(5) is a severity level 4, person felony; and

38 (2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9),
39 (a)(10)~~or~~, (a)(11) *or (a)(12)* is a severity level 5, person felony.

40 (c) (1) If an offender violates the provisions of this section by
41 engaging in consensual sexual intercourse which would constitute a
42 violation of K.S.A. 2013 Supp. 21-5503, and amendments thereto, the
43 provisions of K.S.A. 2013 Supp. 21-5503, and amendments thereto, shall

1 apply, not this section.

2 (2) If an offender violates the provisions of this section by engaging
3 in consensual sexual intercourse which would constitute a violation of
4 subsection (b)(1) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
5 the provisions of subsection (b)(1) of K.S.A. 2013 Supp. 21-5506, and
6 amendments thereto, shall apply, not this section.

7 (3) If an offender violates the provisions of this section by engaging
8 in sodomy which would constitute a violation of subsection (a)(3), (a)(4)
9 or (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, the
10 provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2013 Supp. 21-
11 5504, and amendments thereto, shall apply, not this section.

12 (4) If an offender violates the provisions of this section by engaging
13 in lewd fondling or touching which would constitute a violation of
14 subsection (b)(2) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
15 the provisions of subsection (b)(2) of K.S.A. 2013 Supp. 21-5506, and
16 amendments thereto, shall apply, not this section.

17 (d) As used in this section:

18 (1) "Correctional institution" means the same as in K.S.A. 75-5202,
19 and amendments thereto;

20 (2) "inmate" means the same as in K.S.A. 75-5202, and amendments
21 thereto;

22 (3) "parole officer" means the same as in K.S.A. 75-5202, and
23 amendments thereto;

24 (4) "postrelease supervision" means the same as in K.S.A. 2013 Supp.
25 21-6803, and amendments thereto;

26 (5) "juvenile detention facility" means the same as in K.S.A. 2013
27 Supp. 38-2302, and amendments thereto;

28 (6) "juvenile correctional facility" means the same as in K.S.A. 2013
29 Supp. 38-2302, and amendments thereto;

30 (7) "sanctions house" means the same as in K.S.A. 2013 Supp. 38-
31 2302, and amendments thereto;

32 (8) "institution" means the same as in K.S.A. 76-12a01, and
33 amendments thereto;

34 (9) "teacher" means and includes teachers, coaches, supervisors,
35 principals, superintendents and any other professional employee in any
36 public or private school offering any of grades kindergarten through 12;

37 (10) "community corrections" means the entity responsible for
38 supervising adults and juvenile offenders for confinement, detention, care
39 or treatment, subject to conditions imposed by the court pursuant to the
40 community corrections act, K.S.A. 75-5290, and amendments thereto, and
41 the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et
42 seq., and amendments thereto;

43 (11) "court services" means the entity appointed by the district court

1 that is responsible for supervising adults and juveniles placed on probation
2 and misdemeanants placed on parole by district courts of this state; ~~and~~

3 (12) "juvenile community supervision agency" means an entity that
4 receives grants for the purpose of providing direct supervision to juveniles
5 in the custody of the juvenile justice authority; *and*

6 (13) "surety" means the same as in K.S.A. 22-2809a, and
7 amendments thereto.

8 Sec. 2. K.S.A. 2013 Supp. 21-5703 is hereby amended to read as
9 follows: 21-5703. (a) It shall be unlawful for any person to manufacture
10 any controlled substance or controlled substance analog.

11 (b) Violation or attempted violation of subsection (a) is a:

12 (1) Drug severity level 2 felony, except as provided in subsections (b)
13 (2) and (b)(3);

14 (2) drug severity level 1 felony if:

15 (A) The controlled substance is not methamphetamine, as defined by
16 subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or
17 an analog thereof; and

18 (B) the offender has a prior conviction for unlawful manufacturing of
19 a controlled substance under this section, K.S.A. 65-4159, prior to its
20 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially
21 similar offense from another jurisdiction and the substance was not
22 methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-
23 4107, and amendments thereto, or an analog thereof, in any such prior
24 conviction; and

25 (3) drug severity level 1 felony if the controlled substance is
26 methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-
27 4107, and amendments thereto, or an analog thereof.

28 (c) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5301,
29 and amendments thereto, shall not apply to a violation of attempting to
30 unlawfully manufacture any controlled substance or controlled substance
31 analog pursuant to this section.

32 (d) For persons arrested and charged under this section, bail shall be
33 at least \$50,000 cash or surety, **and such person shall not be released**
34 **upon the person's own recognizance pursuant to K.S.A. 22-2802, and**
35 **amendments thereto**, unless the court determines, on the record, that the
36 defendant is not likely to re-offend, the court imposes pretrial supervision,
37 or the defendant agrees to participate in a licensed or certified drug
38 treatment program. ~~Notwithstanding any other provision of law, any~~
39 ~~person arrested and charged under this section shall not be released upon~~
40 ~~the person's own recognizance pursuant to K.S.A. 22-2802, and~~
41 ~~amendments thereto.~~

42 (e) The sentence of a person who violates this section shall not be
43 subject to statutory provisions for suspended sentence, community service

1 work or probation.

2 (f) The sentence of a person who violates this section, K.S.A. 65-
3 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
4 transfer, shall not be reduced because these sections prohibit conduct
5 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
6 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2013
7 Supp. 21-5705, and amendments thereto.

8 Sec. 3. K.S.A. 2013 Supp. 21-5709 is hereby amended to read as
9 follows: 21-5709. (a) It shall be unlawful for any person to possess
10 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,
11 iodine, anhydrous ammonia, pressurized ammonia or
12 phenylpropanolamine, or their salts, isomers or salts of isomers with an
13 intent to use the product to manufacture a controlled substance.

14 (b) It shall be unlawful for any person to use or possess with intent to
15 use any drug paraphernalia to:

16 (1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or
17 distribute a controlled substance; or

18 (2) store, contain, conceal, inject, ingest, inhale or otherwise
19 introduce a controlled substance into the human body.

20 (c) It shall be unlawful for any person to use or possess with intent to
21 use anhydrous ammonia or pressurized ammonia in a container not
22 approved for that chemical by the Kansas department of agriculture.

23 (d) It shall be unlawful for any person to purchase, receive or
24 otherwise acquire at retail any compound, mixture or preparation
25 containing more than 3.6 grams of pseudoephedrine base or ephedrine
26 base in any single transaction or any compound, mixture or preparation
27 containing more than nine grams of pseudoephedrine base or ephedrine
28 base within any 30-day period.

29 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

30 (2) violation of subsection (b)(1) is a:

31 (A) Drug severity level 5 felony, except as provided in subsection (e)
32 (2)(B); and

33 (B) class A nonperson misdemeanor if the drug paraphernalia was
34 used to cultivate fewer than five marijuana plants;

35 (3) violation of subsection (b)(2) is a class A nonperson
36 misdemeanor;

37 (4) violation of subsection (c) is a drug severity level 5 felony; and

38 (5) violation of subsection (d) is a class A nonperson misdemeanor.

39 (f) For persons arrested and charged under subsection (a) or (c), bail
40 shall be at least \$50,000 cash or surety, **and such person shall not be**
41 **released upon the person's own recognizance pursuant to K.S.A. 22-**
42 **2802, and amendments thereto**, unless the court determines, on the
43 record, that the defendant is not likely to reoffend, the court imposes

1 pretrial supervision or the defendant agrees to participate in a licensed or
2 certified drug treatment program. ~~Notwithstanding any other provision of~~
3 ~~law, any person arrested and charged under subsection (a) or (c) shall not~~
4 ~~be released upon the person's own recognizance pursuant to K.S.A. 22-~~
5 ~~2802, and amendments thereto.~~

6 Sec. 4. K.S.A. 2013 Supp. 21-5710 is hereby amended to read as
7 follows: 21-5710. (a) It shall be unlawful for any person to advertise,
8 market, label, distribute or possess with the intent to distribute:

9 (1) Any product containing ephedrine, pseudoephedrine, red
10 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
11 pressurized ammonia or phenylpropanolamine or their salts, isomers or
12 salts of isomers if the person knows or reasonably should know that the
13 purchaser will use the product to manufacture a controlled substance or
14 controlled substance analog; or

15 (2) any product containing ephedrine, pseudoephedrine or
16 phenylpropanolamine, or their salts, isomers or salts of isomers for
17 indication of stimulation, mental alertness, weight loss, appetite control,
18 energy or other indications not approved pursuant to the pertinent federal
19 over-the-counter drug final monograph or tentative final monograph or
20 approved new drug application.

21 (b) It shall be unlawful for any person to distribute, possess with the
22 intent to distribute or manufacture with intent to distribute any drug
23 paraphernalia, knowing or under circumstances where one reasonably
24 should know that it will be used to manufacture or distribute a controlled
25 substance or controlled substance analog in violation of K.S.A. 2013 Supp.
26 21-5701 through 21-5717, and amendments thereto.

27 (c) It shall be unlawful for any person to distribute, possess with
28 intent to distribute or manufacture with intent to distribute any drug
29 paraphernalia, knowing or under circumstances where one reasonably
30 should know, that it will be used as such in violation of K.S.A. 2013 Supp.
31 21-5701 through 21-5717, and amendments thereto, except subsection (b)
32 of K.S.A. 2013 Supp. 21-5706, and amendments thereto.

33 (d) It shall be unlawful for any person to distribute, possess with
34 intent to distribute or manufacture with intent to distribute any drug
35 paraphernalia, knowing, or under circumstances where one reasonably
36 should know, that it will be used as such in violation of subsection (b) of
37 K.S.A. 2013 Supp. 21-5706, and amendments thereto.

38 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

39 (2) violation of subsection (b) is a:

40 (A) Drug severity level 5 felony, except as provided in subsection (e)
41 (2)(B); and

42 (B) drug severity level 4 felony if the trier of fact makes a finding that
43 the offender distributed or caused drug paraphernalia to be distributed to a

1 minor or on or within 1,000 feet of any school property;

2 (3) violation of subsection (c) is a:

3 (A) Nondrug severity level 9, nonperson felony, except as provided in
4 subsection (e)(3)(B); and

5 (B) drug severity level 5 felony if the trier of fact makes a finding that
6 the offender distributed or caused drug paraphernalia to be distributed to a
7 minor or on or within 1,000 feet of any school property; and

8 (4) violation of subsection (d) is a:

9 (A) Class A nonperson misdemeanor, except as provided in
10 subsection (e)(4)(B); and

11 (B) nondrug severity level 9, nonperson felony if the trier of fact
12 makes a finding that the offender distributed or caused drug paraphernalia
13 to be distributed to a minor or on or within 1,000 feet of any school
14 property.

15 (f) For persons arrested and charged under subsection (a), bail shall
16 be at least \$50,000 cash or surety, **and such person shall not be released**
17 **upon the person's own recognizance pursuant to K.S.A. 22-2802, and**
18 **amendments thereto**, unless the court determines, on the record, that the
19 defendant is not likely to re-offend, the court imposes pretrial supervision
20 or the defendant agrees to participate in a licensed or certified drug
21 treatment program. ~~Notwithstanding any other provision of law, any~~
22 ~~person arrested and charged under subsection (a) shall not be released~~
23 ~~upon the person's own recognizance pursuant to K.S.A. 22-2802, and~~
24 ~~amendments thereto.~~

25 (g) As used in this section, "or under circumstances where one
26 reasonably should know" that an item will be used in violation of this
27 section, shall include, but not be limited to, the following:

28 (1) Actual knowledge from prior experience or statements by
29 customers;

30 (2) inappropriate or impractical design for alleged legitimate use;

31 (3) receipt of packaging material, advertising information or other
32 manufacturer supplied information regarding the item's use as drug
33 paraphernalia; or

34 (4) receipt of a written warning from a law enforcement or
35 prosecutorial agency having jurisdiction that the item has been previously
36 determined to have been designed specifically for use as drug
37 paraphernalia.

38 Sec. 5. K.S.A. 2013 Supp. 21-6316 is hereby amended to read as
39 follows: 21-6316. When a criminal street gang member is arrested for a
40 person felony, bail shall be at least \$50,000 cash or surety, **and such**
41 **person shall not be released upon the person's own recognizance**
42 **pursuant to K.S.A. 22-2802, and amendments thereto**, unless the court
43 determines on the record that the defendant is not likely to reoffend, an

1 appropriate intensive pre-trial supervision program is available and the
2 defendant agrees to comply with the mandate of such pre-trial supervision.
3 ~~Notwithstanding any other provision of law, a criminal street gang~~
4 ~~member arrested for a person felony shall not be released upon the~~
5 ~~person's own recognizance pursuant to K.S.A. 22-2802, and amendments~~
6 ~~thereto.~~

7 **Sec. 6. K.S.A. 2013 Supp. 21-6329 is hereby amended to read as**
8 **follows: 21-6329. (a) It is unlawful for any covered person:**

9 **(1) Who has with criminal intent received any proceeds derived,**
10 **directly or indirectly, from a pattern of racketeering activity or**
11 **through the collection of an unlawful debt to use or invest, whether**
12 **directly or indirectly, any part of such proceeds, or the proceeds**
13 **derived from the investment or use thereof, in the acquisition of any**
14 **title to, or any right, interest, or equity in, real property or in the**
15 **establishment or operation of any enterprise;**

16 **(2) through a pattern of racketeering activity or through the**
17 **collection of an unlawful debt, to acquire or maintain, directly or**
18 **indirectly, any interest in or control of any enterprise or real property;**
19 **or**

20 **(3) employed by, or associated with, any enterprise to conduct or**
21 **participate, directly or indirectly, in such enterprise through a pattern**
22 **of racketeering activity or the collection of an unlawful debt.**

23 **(b) Violation of this section or conspiracy to commit a violation of**
24 **this section is a severity level 2, person felony.**

25 **(c) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5302,**
26 **and amendments thereto, shall not apply to conspiracy to commit a**
27 **violation of this section.**

28 **(d) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-**
29 **6611, and amendments thereto, any person convicted of engaging in**
30 **conduct in violation of this section, through which the person derived**
31 **pecuniary value, or by which the person caused personal injury or**
32 **property damage or other loss, may be sentenced to pay a fine that**
33 **does not exceed three times the gross value gained or three times the**
34 **gross loss caused, whichever is the greater, plus court costs and the**
35 **costs of investigation and prosecution, reasonably incurred.**

36 **(2) The court shall hold a hearing to determine the amount of the**
37 **fine authorized by this subsection.**

38 **(3) For the purposes of this subsection, "pecuniary value" means:**

39 **(A) Anything of value in the form of money, a negotiable**
40 **instrument, or a commercial interest or anything else the primary**
41 **significance of which is economic advantage; and**

42 **(B) any other property or service that has a value in excess of**
43 **\$100.**

1 **(e) For persons arrested and charged under this section, bail shall**
2 **be at least \$50,000 cash or surety, and such person shall not be released**
3 **upon the person's own recognizance pursuant to K.S.A. 22-2802, and**
4 **amendments thereto, unless the court determines on the record that the**
5 **defendant is not likely to re-offend, an appropriate intensive pretrial**
6 **supervision program is available and the defendant agrees to comply**
7 **with the mandate of such pretrial supervision.** ~~Notwithstanding any~~
8 ~~other provision of law, any person arrested and charged under this section~~
9 ~~shall not be released upon the person's own recognizance pursuant to~~
10 ~~K.S.A. 22-2802, and amendments thereto.~~

11 ~~Sec. 6-7.~~ K.S.A. 22-2809a is hereby amended to read as follows: 22-
12 2809a. (a) As used in this section: (1) "Surety" means a person or
13 commercial surety, other than a defendant in a criminal proceeding, that
14 guarantees the appearance of a defendant in a criminal proceeding, by
15 executing an appearance bond;

16 (2) "agent of a surety" means a person not performing the duties of a
17 law enforcement officer who tracks down, captures and surrenders to the
18 custody of a court a fugitive who has violated a surety or bail bond
19 agreement.

20 (b) Any surety or agent of a surety, commonly referred to as a bounty
21 hunter, who intends to apprehend any person in this state pursuant to
22 K.S.A. 22-2809, and amendments thereto, or under similar authority from
23 any other state, shall inform law enforcement authorities in the city or
24 county in which such surety or agent of a surety intends such
25 apprehension, before attempting such apprehension. The surety or agent of
26 a surety shall present to the local law enforcement authorities a certified
27 copy of the bond, a valid government-issued photo identification, written
28 appointment of agency, if not the actual surety, and all other appropriate
29 paperwork identifying the principal and the person to be apprehended.
30 Local law enforcement may accompany the surety or agent.

31 (c) No person who, ~~within the past 10 years,~~ has been convicted, in
32 this or any other jurisdiction, of a ~~person~~ felony, ~~may~~ shall act as a surety
33 or as an agent of a surety.

34 (d) *An out-of-state surety or agent of a surety who intends to*
35 *apprehend any person in this state pursuant to K.S.A. 22-2809, and*
36 *amendments thereto, or under similar authority from any other state, shall*
37 *contract with an individual that has been authorized by any court in this*
38 *state to act as a surety or agent of a surety, before attempting such*
39 *apprehension, and be accompanied by such individual during such*
40 *apprehension.*

41 (e) Violation of this section is a class A nonperson misdemeanor for
42 the first conviction of a violation and a severity level 9, nonperson felony
43 upon a second or subsequent conviction of a violation.

1 Sec.~~7~~ **8**. K.S.A. 22-2809a and K.S.A. 2013 Supp. 21-5512, 21-5703,
2 21-5709, 21-5710~~and~~, 21-6316 **and 21-6329** are hereby repealed.

3 Sec.~~8~~ **9**. This act shall take effect and be in force from and after its
4 publication in the statute book.