

SENATE BILL No. 45

By Committee on Judiciary

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to involuntary manslaughter; battery; public safety sector employees;
3 penalties; amending K.S.A. 2018 Supp. 21-5405 and 21-5413 and
4 repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-
5 5413a.

6

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

8 Section 1. K.S.A. 2018 Supp. 21-5405 is hereby amended to read as
9 follows: 21-5405. (a) Involuntary manslaughter is the killing of a human
10 being committed:

11 (1) Recklessly;

12 (2) in the commission of, or attempt to commit, or flight from any
13 felony, other than an inherently dangerous felony as defined in K.S.A.
14 2018 Supp. 21-5402, and amendments thereto, that is enacted for the
15 protection of human life or safety or a misdemeanor that is enacted for the
16 protection of human life or safety, including acts described in K.S.A. 8-
17 1566 and 8-1568(a), and amendments thereto, but excluding the acts
18 described in K.S.A. 8-1567, and amendments thereto;

19 (3) in the commission of, or attempt to commit, or flight from an act
20 described in K.S.A. 8-1567, and amendments thereto;

21 (4) during the commission of a lawful act in an unlawful manner; or

22 (5) in the commission of, or attempt to commit, or flight from an act
23 described in K.S.A. 8-1567, and amendments thereto, while:

24 (A) In violation of any restriction imposed on such person's driving
25 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes
26 Annotated, and amendments thereto;

27 (B) such person's driving privileges are suspended or revoked
28 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and
29 amendments thereto; or

30 (C) such person has been deemed a habitual violator as defined in
31 K.S.A. 8-285, and amendments thereto, including at least one violation of
32 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any
33 city in this state, any resolution of any county in this state or any law of
34 another state, which ordinance, resolution or law declares to be unlawful
35 the acts prohibited by that statute.

36 (b) Involuntary manslaughter as defined in:

1 board of indigents' defense services or an attorney who is appointed by the
2 court to perform services for an indigent person as provided by article 45
3 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

4 (9) "community corrections officer" means an employee of a
5 community correctional services program responsible for supervision of
6 adults or juveniles as assigned by the court to community corrections
7 supervision and any other employee of a community correctional services
8 program that provides enhanced supervision of offenders such as house
9 arrest and surveillance programs; ~~and~~

10 (10) "court services officer" means an employee of the Kansas
11 judicial branch or local judicial district responsible for supervising,
12 monitoring or writing reports relating to adults or juveniles as assigned by
13 the court, or performing related duties as assigned by the court;

14 (11) "federal law enforcement officer" means a law enforcement
15 officer employed by the United States federal government who, as part of
16 such officer's duties, is permitted to make arrests and to be armed; and

17 (12) "public safety sector employee" means an employee of any law
18 enforcement office, sheriff's department, municipal fire department,
19 volunteer and non-volunteer fire protection association, emergency
20 management department, public works department or other similar public
21 or private agency, while actually engaged in official duties of the
22 department or agency.

emergency medical service provider,

23 Sec. 3. K.S.A. 2018 Supp. 21-5405, 21-5413 and 21-5413a are
24 hereby repealed.

25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.