

HOUSE BILL No. 2362

By Committee on Judiciary

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to abuse of a child; modifying the elements of the offense; increasing
3 criminal penalties thereof; amending K.S.A. 2020 Supp. 21-5602 and
4 repealing the existing section.

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

7 Section 1. K.S.A. 2020 Supp. 21-5602 is hereby amended to read as
8 follows: 21-5602. (a) Abuse of a child is ~~knowingly committing any of the~~
9 *following acts against a child under 18 years of age:*

10 (1) ~~Torturing or cruelly beating any child under the age of 18 years;~~

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

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

15 (b)(A) *Knowingly torturing, cruelly beating, cruelly striking or*
16 *cruelly kicking;*

17 (B) *knowingly inflicting cruel and inhuman corporal punishment; or*

18 (C) *knowingly using cruel and inhuman physical restraint, including*
19 *caging or confining the child in a space not designated for human*
20 *habitation or binding the child in a way that is not medically necessary;*

21 (2) *recklessly causing great bodily harm, abusive head trauma,*
22 *permanent disability or disfigurement; or*

23 (3) (A) *knowingly causing great bodily harm, abusive head trauma,*
24 *permanent disability or disfigurement;*

25 (B) *knowingly inflicting cruel and inhuman corporal punishment with*
26 *a deadly weapon; or*

27 (C) *knowingly impeding the normal breathing or circulation of the*
28 *blood by applying pressure on the throat, neck or chest of the child or by*
29 *blocking the nose or mouth of the child in a manner whereby death or*
30 *great bodily harm could be inflicted.*

31 (b) Abuse of a child is ~~a~~ as defined in:

32 (1) ~~Severity level 5, person felony, except as provided in subsection~~
33 ~~(b)(2); and~~

34 (2) ~~severity level 4, person felony, if the victim is under the age of six~~
35 ~~years.~~

36 (c) ~~A person who violates the provisions of this section may also be~~

1 ~~prosecuted for, convicted of, and punished for any form of battery or~~
2 ~~homicide~~ Subsection (a)(1) is a:

3 (A) Severity level 5, person felony if the child is at least six years of
4 age but less than 18 years of age; and

5 (B) severity level 3, person felony if the child is under six years of
6 age;

7 (2) subsection (a)(2) is a severity level 4, person felony; and

8 (3) subsection (a)(3) is a severity level 3, person felony.

9 Sec. 2. K.S.A. 2020 Supp. 21-5602 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.