

SENATE BILL No. 366

By Committee on Judiciary

1-20

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; locked or secured portions of dwellings, buildings or other
3 structures; amending K.S.A. 2021 Supp. 21-5807 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 21-5807 is hereby amended to read as
8 follows: 21-5807. (a) Burglary is, without authority, entering into or
9 remaining within any:

10 (1) (A) Dwelling, with intent to commit a felony, theft or sexually
11 motivated crime therein; or

12 (B) *locked or secured portion of any dwelling, with intent to commit a*
13 *felony, theft or sexually motivated crime therein;*

14 (2) (A) building, manufactured home, mobile home, tent or other
15 structure which is not a dwelling, with intent to commit a felony, theft or
16 sexually motivated crime therein; or

17 (B) *locked or secured portion of any building, manufactured home,*
18 *mobile home, tent or other structure which is not a dwelling, with intent to*
19 *commit a felony, theft or sexually motivated crime therein; or*

20 (3) vehicle, aircraft, watercraft, railroad car or other means of
21 conveyance of persons or property, with intent to commit a felony, theft or
22 sexually motivated crime therein.

23 (b) Aggravated burglary is, without authority, entering into or
24 remaining within any:

25 (1) (A) Dwelling in which there is a human being, with intent to
26 commit a felony, theft or sexually motivated crime therein; or

27 (B) *locked or secured portion of any dwelling in which there is a*
28 *human being, with intent to commit a felony, theft or sexually motivated*
29 *crime therein;*

30 (2) (A) building, manufactured home, mobile home, tent or other
31 structure which is not a dwelling in which there is a human being, with
32 intent to commit a felony, theft or sexually motivated crime therein; or

33 (B) *locked or secured portion of any building, manufactured home,*
34 *mobile home, tent or other structure which is not a dwelling in which there*
35 *is a human being, with intent to commit a felony, theft or sexually*
36 *motivated crime therein;* or

1 (3) vehicle, aircraft, watercraft, railroad car or other means of
2 conveyance of persons or property in which there is a human being, with
3 intent to commit a felony, theft or sexually motivated crime therein.

4 (c) (1) Burglary as defined in:

5 (A) (i) Subsection (a)(1) is a severity level 7, person felony, except as
6 provided in subsection (c)(1)(B);

7 (ii) subsection (a)(2) is a severity level 7, nonperson felony, except as
8 provided in subsection (c)(1)(B); and

9 (iii) subsection (a)(3) is a severity level 9, nonperson felony, except
10 as provided in subsection (c)(1)(B); and

11 (B) (i) subsection (a)(1), with intent to commit the theft of a firearm,
12 is a severity level 5, person felony; and

13 (ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a
14 firearm, is a severity level 5, nonperson felony.

15 (2) Aggravated burglary as defined in:

16 (A) Subsection (b)(1) is a severity level 4, person felony; and

17 (B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

18 (d) As used in this section, "sexually motivated" means that one of
19 the purposes for which the defendant committed the crime was for the
20 purpose of the defendant's sexual gratification.

21 (e) This section shall not apply to any person entering into or
22 remaining in a retail or commercial premises at any time that it is open to
23 the public after having received a personal communication from the owner
24 or manager of such premises not to enter such premises pursuant to K.S.A.
25 2021 Supp. 21-5808, and amendments thereto, except when such person is
26 entering into or remaining in such premises with the intent to commit a
27 person felony or sexually motivated crime therein.

28 Sec. 2. K.S.A. 2021 Supp. 21-5807 is hereby repealed.

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