

## 2021 Kansas Statutes

**21-5405. Involuntary manslaughter.** (a) Involuntary manslaughter is the killing of a human being committed:

- (1) Recklessly;
  - (2) in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 2021 Supp. 21-5402, and amendments thereto, that is enacted for the protection of human life or safety or a misdemeanor that is enacted for the protection of human life or safety, including acts described in K.S.A. 8-1566 and 8-1568(a), and amendments thereto, but excluding the acts described in K.S.A. 8-1567, and amendments thereto;
  - (3) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto;
  - (4) during the commission of a lawful act in an unlawful manner; or
  - (5) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto, while:
    - (A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;
    - (B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
    - (C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.
- (b) Involuntary manslaughter as defined in:
- (1) Subsection (a)(1), (a)(2) or (a)(4) is a:
    - (A) Severity level 5, person felony, except as provided in subsection (b)(1)(B); and
    - (B) severity level 3, person felony, if the victim is under the age of six years;
  - (2) subsection (a)(3) is a severity level 4, person felony; and
  - (3) subsection (a)(5) is a severity level 3, person felony.

**History:** L. 2010, ch. 136, § 40; L. 2018, ch. 7, § 1; L. 2019, ch. 59, § 5; July 1.