

SENATE BILL No. 20

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; amending K.S.A. 2014 Supp. 21-5807 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 21-5807 is hereby amended to read as
7 follows: 21-5807. (a) Burglary is, without authority, entering into or
8 remaining within any:

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

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

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

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

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

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

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

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

28 (A) ~~Subsection (a)(1) is a severity level 7, person felony, except as~~
29 ~~provided in subsection (c)(2);~~

30 (B) ~~subsection (a)(2) is a severity level 7, nonperson felony, except as~~
31 ~~provided in subsection (c)(2);~~

32 (C) ~~subsection (a)(3) is a severity level 9, nonperson felony, except as~~
33 ~~provided in subsection (c)(2); and~~

34 (2) ~~subsection (a)(1), (a)(2) or (a)(3) with the intent to commit the~~
35 ~~theft of a firearm is a severity level 5, nonperson felony.~~

36 (A) (i) *Subsection (a)(1) is a severity level 6, person felony, except as*

1 *provided in subsection (c)(1)(B);*

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

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

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

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

10 ~~(3)~~(2) *Aggravated burglary as defined in:*

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

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

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

16 *(e) **This section shall not apply to any premises that are, at the time,***
17 ***open to the public.***

18 Sec. 2. K.S.A. 2014 Supp. 21-5807 is hereby repealed.

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