

Senate Substitute for HOUSE BILL No. 2018

By Committee on Federal and State Affairs

3-17

1 AN ACT concerning crimes, punishment and criminal procedure; creating
2 the crime of interference with the conduct of a religious assembly and
3 providing criminal penalties therefor; providing for a civil cause of
4 action for damages arising from such offense; amending K.S.A. 21-
5 6205 and K.S.A. 2025 Supp. 75-702 and repealing the existing
6 sections.

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

9 New Section 1. (a) Interference with the conduct of a religious
10 assembly is:

11 (1) By force, threat of force or by physical obstruction, intentionally
12 injuring, intimidating or interfering with any person lawfully exercising or
13 seeking to exercise the right of religious freedom under the first
14 amendment of the constitution of the United States or under section 3 or
15 section 7 of the bill of rights of the constitution of the state of Kansas at a
16 place of religious worship; or

17 (2) recklessly damaging, defacing or destroying the property of a
18 place of religious worship by means other than by fire or explosive.

19 (b) Aggravated interference with the conduct of a religious assembly
20 is interference with the conduct of a religious assembly as defined in
21 subsection (a)(1) when in possession of any firearm or weapon that is an
22 offense under K.S.A. 21-6301 or 21-6302, and amendments thereto.

23 (c) (1) Interference with the conduct of a religious assembly as
24 defined in subsection (a)(1) is:

25 (A) A severity level 10, person felony, except as provided in
26 subsection (c)(1)(B); and

27 (B) a severity level 6, person felony for a second or subsequent
28 conviction.

29 (2) interference with the conduct of a religious assembly as defined in
30 subsection (a)(2) is a:

31 (A) Class A nonperson misdemeanor if the property that is damaged,
32 defaced or destroyed has a value of less than \$1,000;

33 (B) severity level 9, nonperson felony if the property that is damaged,
34 defaced or destroyed has a value of \$1,000 or more but less than \$25,000;
35 and

36 (C) severity level 7, nonperson felony if the property that is damaged,

1 defaced or destroyed has a value of \$25,000 or more.

2 (3) Aggravated interference with the conduct of a religious assembly
3 as defined in subsection (b) is a severity level 4, person felony.

4 (d) As used in this section:

5 (1) "Interfere with" means to restrict a person's freedom of
6 movement;

7 (2) "intimidate" means to place a person in reasonable apprehension
8 of bodily harm to such person or to another person; and

9 (3) "physical obstruction" means rendering impassable ingress to or
10 egress to or from a place of religious worship, or rendering passage to or
11 from such place of religious worship unreasonably difficult or hazardous.

12 (e) This section shall be a part of and supplemental to the Kansas
13 criminal code.

14 New Sec. 2. (a) A person injured as a result of the conduct of another
15 that would constitute conduct prohibited by section 1, and amendments
16 thereto, may bring an action in an appropriate state court against the
17 person or persons who engaged in such conduct.

18 (b) In any action brought under this section, a prevailing plaintiff may
19 be awarded actual damages, punitive damages in an amount up to three
20 times the actual damages such person sustained and the cost of the suit,
21 including reasonable attorney's fees. In lieu of actual damages, the plaintiff
22 may elect to seek statutory damages in the amount of \$5,000 for each
23 violation. A court may also award any equitable or injunctive relief as the
24 court deems appropriate.

25 (c) Notwithstanding any other provision of law, any action
26 commenced under this section shall be filed within five years after the
27 later of:

28 (1) The date of discovery of the violation of section 1, and
29 amendments thereto; or

30 (2) the conclusion of a related criminal case.

31 (d) (1) At the victim's request, or upon the attorney general's own
32 determination, the attorney general may pursue cases on behalf of any
33 Kansas victim under this section. All damages obtained shall go to the
34 victim, and the attorney general may seek reasonable attorney's fees and
35 costs.

36 (2) In the interest of vindicating public interest, the court in any
37 action brought under this subsection may, in addition to any damages or
38 other relief awarded to the plaintiff, assess a civil penalty against each
39 respondent in the amount of:

40 (A) \$10,000 for a first nonviolent violation of section 1(a)(1), and
41 amendments thereto, and \$15,000 for a first violation of any other
42 provision of section 1, and amendments thereto; and

43 (B) \$15,000 for a second or subsequent nonviolent violation of

1 section 1(a)(1), and amendments thereto, and \$25,000 for a second or
 2 subsequent violation of any other provision of section 1, and amendments
 3 thereto.

4 (e) This section does not preclude any other remedy available to the
 5 victim under federal law or law of this state.

6 Sec. 3. K.S.A. 21-6205 is hereby amended to read as follows: 21-
 7 6205. (a) Criminal desecration is:

8 (1) Knowingly obtaining or attempting to obtain unauthorized control
 9 of a dead body or remains of any human being or the coffin, urn or other
 10 article containing a dead body or remains of any human being; or

11 (2) recklessly, by means other than by fire or explosive:

12 (A) Damaging, defacing or destroying the flag, ensign or other
 13 symbol of the United States or this state in which another has a property
 14 interest without the consent of such other person;

15 (B) damaging, defacing or destroying any public monument or
 16 structure; *or*

17 (C) damaging, defacing or destroying any tomb, monument,
 18 memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other
 19 property in a cemetery; ~~or~~

20 ~~(D) damaging, defacing or destroying any place of worship.~~

21 (b) Criminal desecration as defined in:

22 (1) ~~Subsections~~ *Subsection* (a)(2)(B); *or* (a)(2)(C) ~~or (a)(2)(D)~~ if the
 23 property is damaged to the extent of:

24 (A) \$25,000 or more is a severity level 7, nonperson felony;

25 (B) at least \$1,000 but less than \$25,000 is a severity level 9,
 26 nonperson felony; and

27 (C) less than \$1,000 is a class A nonperson misdemeanor; and

28 (2) ~~subsections~~ *subsection* (a)(1) or (a)(2)(A) is a class A nonperson
 29 misdemeanor.

30 Sec. 4. K.S.A. 2025 Supp. 75-702 is hereby amended to read as
 31 follows: 75-702. (a) The attorney general shall appear for the state, and
 32 prosecute and defend any and all actions and proceedings, civil or
 33 criminal, in the Kansas supreme court, the Kansas court of appeals and in
 34 all federal courts, in which the state shall be interested or a party, and shall,
 35 when so appearing, control the state's prosecution or defense.

36 (b) The attorney general shall also, when required by the governor or
 37 either branch of the legislature, appear for the state and prosecute or
 38 defend, in any other court or before any officer, in any cause or matter,
 39 civil or criminal, in which this state may be a party or interested or when
 40 the constitutionality of any law of this state is at issue and when so
 41 directed shall seek final resolution of such issue in the supreme court of
 42 the state of Kansas.

43 (c) (1) The attorney general shall have authority to prosecute any

1 matter related to a violation of K.S.A. 12-189 or 75-5133, and
2 amendments thereto, related to unlawful acts when the offender is an
3 officer or employee of a city or county.

4 (2) Notwithstanding any provision of law to the contrary, the attorney
5 general shall have concurrent authority with any county or district attorney
6 to prosecute the following crimes when they are part of an alleged course
7 of criminal conduct that occurred in two or more counties:

8 (A) Organized retail crime as defined in K.S.A. 2025 Supp. 21-5841,
9 and amendments thereto, and any other crime that is part of such alleged
10 course of criminal conduct;

11 (B) theft as defined in K.S.A. 21-5801, and amendments thereto;

12 (C) violations of the Kansas racketeer influenced and corrupt
13 organizations act, K.S.A. 21-6327 et seq., and amendments thereto; ~~and~~

14 (D) *interference with the conduct or a religious assembly and*
15 *aggravated interference with the conduct of a religious assembly as*
16 *defined in section 1, and amendments thereto; and*

17 (E) any attempt, conspiracy or criminal solicitation as defined in
18 K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of the
19 crimes described in subsection (c)(2)(A), (c)(2)(B)-~~or~~, (c)(2)(C) *or* (c)(2)
20 (D).

21 Sec. 5. K.S.A. 21-6205 and K.S.A. 2025 Supp. 75-702 are hereby
22 repealed.

23 Sec. 6. This act shall take effect and be in force from and after its
24 publication in the statute book.