

HOUSE BILL No. 2583

By Representatives Hawkins and Owens

1-24

Proposed Amendments to HB 2583 - replacement costs
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 5, 2024

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against the public morals; increasing the criminal penalty for
3 harming or killing certain dogs and horses; requiring restitution for
4 such crime to include veterinary medical treatment, funeral and burial
5 expenses and replacement of such animal; amending K.S.A. 21-6416
6 and 21-6604 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 21-6416 is hereby amended to read as follows: 21-
10 6416. (a) Inflicting harm, disability or death to a police dog, arson dog,
11 assistance dog, game warden dog~~or~~, search and rescue dog *or police*
12 *horse* is knowingly, and without lawful cause or justification, poisoning,
13 inflicting great bodily harm, permanent disability or death; upon a police
14 dog, arson dog, assistance dog, game warden dog~~or~~, search and rescue
15 dog *or police horse*.

16 (b) Inflicting harm; *that does not result in* disability or death to a
17 police dog, arson dog, assistance dog, game warden dog~~or~~, search and
18 rescue dog *or police horse* is a nonperson felony. ~~Upon conviction of this~~
19 ~~subsection~~; A person *convicted of a violation of this subsection* shall be
20 sentenced to not less than 30 days~~or~~ nor more than one year's
21 imprisonment and be fined not less than \$500 nor more than \$5,000. The
22 person convicted shall not be eligible for release on probation, suspension
23 or reduction of sentence or parole until the person has served ~~the a~~
24 ~~minimum mandatory sentence as provided herein of 30 days. During the~~
25 ~~mandatory 30 days imprisonment, such offender shall have a~~
26 ~~psychological evaluation prepared for the court to assist the court in~~
27 ~~determining conditions of probation. Such conditions shall include, but not~~
28 ~~be limited to, the completion of an anger management program.~~

29 (c) (1) *Except as provided in paragraph (2), inflicting harm that*
30 *results in disability or death to a police dog, arson dog, assistance dog,*
31 *game warden dog, search and rescue dog or police horse is a severity*
32 *level 4, nonperson felony.*

33 (2) *Inflicting harm that results in disability or death to a police dog,*
34 *arson dog, assistance dog, game warden dog, search and rescue dog or*
35 *police horse during the commission of fleeing or attempting to elude a*
36 *police officer as described in K.S.A. 8-1568, and amendments thereto,*

1 amendments thereto, such damage or loss shall include, but not be limited
2 to, attorney fees and costs incurred to repair the credit history or rating of
3 the person whose personal identification documents were obtained and
4 used in violation of such section, and to satisfy a debt, lien or other
5 obligation incurred by the person whose personal identification documents
6 were obtained and used in violation of such section. ~~In regard to~~

7 (B) For a violation of K.S.A. 21-5801, 21-5807, 21-5813 or 21-5818,
8 and amendments thereto, such damage or loss shall include the cost of
9 repair or replacement of the property that was damaged, the reasonable
10 cost of any loss of production, crops and livestock, reasonable labor costs
11 of any kind, reasonable material costs of any kind and any reasonable costs
12 that are attributed to equipment that is used to abate or repair the damage
13 to the property. ~~If the court finds restitution unworkable, either in whole or~~
14 ~~in part, the court shall state on the record in detail the reasons therefor.~~

15 (C) For a violation of K.S.A. 21-6416, and amendments thereto, such
16 damage or loss shall include the cost for veterinary medical treatment,
17 reasonable funeral and burial expenses and replacement of the police dog,
18 arson dog, assistance dog, game warden dog, search and rescue dog or
19 police horse.

20 ~~(2)~~(3) If the court orders restitution, the restitution shall be a
21 judgment against the defendant that may be collected by the court by
22 garnishment as provided in article 7 of chapter 60 of the Kansas Statutes
23 Annotated, and amendments thereto, or other execution. If, after 60 days
24 from the date restitution is ordered by the court, a defendant is found to be
25 in noncompliance with the restitution order, the court shall assign an agent
26 procured by the judicial administrator pursuant to K.S.A. 20-169, and
27 amendments thereto, to collect the restitution on behalf of the victim. The
28 chief judge of each judicial district may assign such cases to an
29 appropriate division of the court for the conduct of collection proceedings.

30 (4) Restitution shall be due immediately unless:

31 (A) The court orders that the defendant be given a specified time to
32 pay or be allowed to pay in specified installments; or

33 (B) the court finds compelling circumstances that would render
34 restitution unworkable, either in whole or in part.

35 (5) If the court finds restitution unworkable, either in whole or in
36 part, the court shall state on the record in detail the reasons therefor.

37 ~~(3)~~(6) If a restitution order entered prior to June 11, 2020, does not
38 give the defendant a specified time to pay or set payment in specified
39 installments, the defendant may file a motion with the court prior to
40 December 31, 2020, proposing payment of restitution in specified
41 installments. The court may recall the restitution order from the agent
42 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the
43 court rules on such motion. If the court does not order payment in

Replacement costs shall include, but not be limited to, training costs, personnel expenses and costs associated with boarding the animal during training.

1 defendant, after being apprised of the right to a revocation hearing before
2 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses
3 to waive such right.

4 (t) Whenever the court has assigned the defendant to a community
5 correctional services program pursuant to subsection (a)(4), the defendant's
6 community corrections officer, with the concurrence of the community
7 corrections director, may impose the violation sanctions as provided in
8 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
9 of the court unless the defendant, after being apprised of the right to a
10 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and
11 amendments thereto, refuses to waive such right.

12 (u) In addition to any of the above, the court shall authorize an
13 additional 18 days of confinement in a county jail to be reserved for
14 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and
15 amendments thereto.

16 (v) The amendments made to this section by section 1 of chapter 9 of
17 the 2020 Session Laws of Kansas are procedural in nature and shall be
18 construed and applied retroactively.

19 Sec. 3. K.S.A. 21-6416 and 21-6604 are hereby repealed.

20 Sec. 4. This act shall take effect and be in force from and after its
21 publication in the statute book.