

SENATE BILL No. 31

AN ACT concerning crimes, criminal procedure and punishment; relating to inherently dangerous felonies; amending K.S.A. 2002 Supp. 21-3436 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 21-3436 is hereby amended to read as follows: 21-3436. (a) Any of the following felonies shall be deemed an inherently dangerous felony whether or not such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as not to be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

- (1) Kidnapping, as defined in K.S.A. 21-3420 and amendments thereto;
- (2) aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto;
- (3) robbery, as defined in K.S.A. 21-3426 and amendments thereto;
- (4) aggravated robbery, as defined in K.S.A. 21-3427 and amendments thereto;
- (5) rape, as defined in K.S.A. 21-3502 and amendments thereto;
- (6) aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto;
- (7) abuse of a child, as defined in K.S.A. 21-3609 and amendments thereto;
- (8) felony theft under subsection (a) or (c) of K.S.A. 21-3701 and amendments thereto;
- (9) burglary, as defined in K.S.A. 21-3715 and amendments thereto;
- (10) aggravated burglary, as defined in K.S.A. 21-3716 and amendments thereto;
- (11) arson, as defined in K.S.A. 21-3718 and amendments thereto;
- (12) aggravated arson, as defined in K.S.A. 21-3719 and amendments thereto;
- (13) treason, as defined in K.S.A. 21-3801 and amendments thereto;
- (14) any felony offense as provided in K.S.A. 65-4127a, 65-4127b or 65-4159 or 65-4160 through 65-4164 and amendments thereto;
- (15) any felony offense as provided in K.S.A. 21-4219 and amendments thereto; ~~and~~
- (16) endangering the food supply as defined in K.S.A. 2002 Supp. 21-4221, and amendments thereto; *and*
- (17) *aggravated endangering the food supply as defined in K.S.A. 2002 Supp. 21-4222, and amendments thereto.*

(b) Any of the following felonies shall be deemed an inherently dangerous felony only when such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as to not be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

- (1) Murder in the first degree, as defined in subsection (a) of K.S.A. 21-3401 and amendments thereto;
- (2) murder in the second degree, as defined in subsection (a) of K.S.A. 21-3402 and amendments thereto;
- (3) voluntary manslaughter, as defined in subsection (a) of K.S.A. 21-3403 and amendments thereto;
- (4) aggravated assault, as defined in K.S.A. 21-3410 and amendments thereto;
- (5) aggravated assault of a law enforcement officer, as defined in K.S.A. 21-3411 and amendments thereto;
- (6) aggravated battery, as defined in subsection (a)(1) of K.S.A. 21-3414 and amendments thereto; and
- (7) aggravated battery against a law enforcement officer, as defined in K.S.A. 21-3415 and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2002 Supp. 21-3436 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.