

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2008

## SENATE BILL No. 588

By Committee on Judiciary

2-11

12 AN ACT concerning crimes and punishment; relating to traffic in con-  
13 traband in a correctional institution **or care and treatment facility**;  
14 amending K.S.A. 21-3826 and repealing the existing section.  
15

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

17 Section 1. K.S.A. 21-3826 is hereby amended to read as follows: 21-  
18 3826. (a) Traffic in contraband in a correctional institution **or care and**  
19 **treatment facility** is introducing or attempting to introduce into or upon  
20 the grounds of any correctional institution **or care and treatment facil-**  
21 **ity** or taking, sending, attempting to take or attempting to send from any  
22 correctional institution **or care and treatment facility** or any unauthor-  
23 ized possession while in any correctional institution **or care and treat-**  
24 **ment facility** or distributing within any correctional institution **or care**  
25 **and treatment facility**, any item without the consent of the administra-  
26 tor of the correctional institution **or care and treatment facility**.

27 (b) For purposes of this section, “correctional institution” means any  
28 state correctional institution or facility, conservation camp, ~~state security~~  
29 ~~hospital~~, juvenile correctional facility, community correction center or  
30 facility for detention or confinement, juvenile detention facility ~~or~~, **or** jail  
31 ~~or facility operated by the department of social and rehabilitation services~~  
32 ~~for the purposes provided for under K.S.A. 59-29a02 et seq., and amend-~~  
33 ~~ments thereto. [“Correctional institution” does not include any park-~~  
34 ~~ing lot open to the public.]~~

35 (c) **For the purposes of this section “care and treatment facility”**  
36 **means the state security hospital provided for under K.S.A. 76-1305**  
37 **et seq., and amendments thereto, and a facility operated by the de-**  
38 **partment of social and rehabilitation services for the purposes pro-**  
39 **vided for under K.S.A. 59-29a02 et seq., and amendments thereto.**  
40 **[“Care and treatment facility” does not include any parking lot**  
41 **open to the public.]**

42 ~~(d)~~ (1) Traffic in contraband in a correctional institution **or care**  
43 **and treatment facility** of firearms, ammunition, explosives or a con-

1 trolled substance which is defined in subsection (e) of K.S.A. 65-4101,  
2 and amendments thereto, is a severity level 5, nonperson felony.

3 (2) Traffic in any contraband, as defined by rules and regulations  
4 adopted by the secretary, in a correctional institution by an employee of  
5 a correctional institution is a severity level 5, nonperson felony.

6 **(3) Traffic in any contraband, as defined by rules and regula-**  
7 **tions adopted by the secretary of social and rehabilitation services,**  
8 **in a care and treatment facility by an employee of a care and treat-**  
9 **ment facility is a severity level 5, nonperson felony.**

10 ~~(e)~~ (e) Except as provided in subsection ~~(e)~~ (d), traffic in contraband  
11 in a correctional institution **or care and treatment facility** is a severity  
12 level 6, nonperson felony.

13 Sec. 2. K.S.A. 21-3826 is hereby repealed.

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