

HOUSE BILL No. 2534

By Representatives O'Neal, Alford, Arpke, Billinger, Calloway, Carlin, Cassidy, Collins, Cunn, DeGraaf, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hedke, Hermanson, Hill, Hoffman, Howell, Huebert, Kelly, Kerschman, Kiegerl, Kleeb, LeDoux, Montgomery, Mosier, Moxley, O'Hara, Otto, Patton, Peck, Rubin, Ryckman, Scapa, Seiwert, Smith, Suelentrop, Trimmer and K. Wolf

1-25

1 AN ACT concerning children and minors; relating to reporting of
2 disappearance or death of a child; relating to interference with law
3 enforcement; amending K.S.A. 2011 Supp. 21-5904 and repealing the
4 existing section.

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

6 New Section 1. (a) Failure to report the disappearance of a child is
7 knowingly failing to report to a law enforcement officer or state
8 investigative agency, as soon as practically possible, the disappearance of a
9 child under the age of 13 by a parent, legal guardian or caretaker when:

10 (1) Such person knows or reasonably should know that such child has
11 been missing for a period of 12 hours or more; or
12 (2) such person knows that such child is missing and has reason to
13 believe or reasonably should have reason to believe that such child is in
14 imminent danger of death or great bodily harm.

15 (b) Failure to report the death of a child is knowingly failing to report
16 the death of a child as provided in subsection (a) of K.S.A. 22a-242, and
17 amendments thereto, by a:

18 (A) Parent, legal guardian or caretaker; or
19 (B) person required to make a report as provided in subsection (c) of
20 K.S.A. 38-2223, and amendments thereto, unless such person is a parent,
21 legal guardian or caretaker.

22 (c) (1) Failure to report the disappearance of a child is a severity level
23 8, nonperson felony.
24 (2) Failure to report the death of a child as defined in:

25 (A) Subsection (b)(1) is a severity level 8, nonperson felony; and
26 (B) subsection (b)(2) is a class B nonperson misdemeanor.

27 (d) As used in this section, "caretaker" means a person 16 years of
28 age or older that has willfully assumed responsibility for the care of a child
29 at the time of the child's disappearance.
30 Sec. 2. K.S.A. 2011 Supp. 21-5904 is hereby amended to read as
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agency

and with the intent to conceal the commission of a crime, other than a violation of this section;

promptly

to a law enforcement agency or state investigative agency,

(2) The provisions of this subsection shall not apply when such person knows that the child's death has been reported by another person or is otherwise known by a law enforcement agency or state investigative agency.

(A)

(1)(B)

had

or death

agency

agency

1 follows: 21-5904. (a) Interference with law enforcement is:

2 (1) Falsely reporting to a law enforcement ~~officer~~ or state

3 investigative agency that a crime has been committed or any information

4 concerning a crime or suspected crime, knowing that such information is

5 false and intending that the ~~officer~~ or agency shall act in reliance upon

6 such information; ~~or~~

7 (2) ~~falsely reporting to a law enforcement officer~~ or state

8 ~~investigative agency any information concerning the death, disappearance~~

9 ~~or potential death or disappearance of a child under the age of 13,~~

10 ~~knowing that such information is false and intending that the officer~~ or

11 ~~agency shall act in reliance upon such information, or~~

12 (3) knowingly obstructing, resisting or opposing any person

13 authorized by law to serve process in the service or execution or in the

14 attempt to serve or execute any writ, warrant, process or order of a court,

15 or in the discharge of any official duty.

16 (b) ~~(1)~~ Interference with law enforcement as defined in:

17 (1) Subsection (a)(1) is a class A misdemeanor;

18 (2) ~~subsection (a)(2) is a severity level 8, nonperson felony;~~ and

19 (3) ~~interference with law enforcement as defined in subsection (a)(2)~~

20 (3) is a:

21 (A) Severity level 9, nonperson felony in the case of a felony, or

22 resulting from parole or any authorized disposition for a felony; and

23 (B) class A nonperson misdemeanor in the case of a misdemeanor, or

24 resulting from any authorized disposition for a misdemeanor, or a civil

25 case.

26 Sec. 3. K.S.A. 2011 Supp. 21-5904 is hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its

28 publication in the statute book.

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