

HOUSE BILL No. 2468

By Committee on Judiciary

1-23

Proposed Amendments to HB 2468 - Wheeler
House Judiciary Committee
Prepared by: Natalie Scott, Assistant Revisor
February 24, 2020

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to abuse of a child; ~~creating the crime of aggravated abuse of a child;~~
3 criminal penalties; amending K.S.A. 2019 Supp. 21-5602 and repealing
4 the existing section.

under 18 years of age

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

7 Section 1. K.S.A. 2019 Supp. 21-5602 is hereby amended to read as
8 follows: 21-5602. (a) Abuse of a child is ~~knowingly:~~

- 9 (1) ~~Torturing or cruelly beating any child under the age of 18 years;~~
- 10 (2) ~~shaking any child under the age of 18 years which results in great~~
11 ~~bodily harm to the child; or~~
- 12 (3) ~~inflicting cruel and inhuman corporal punishment upon any child~~
13 ~~under the age of 18 years *Knowingly causing physical contact with any*~~
14 ~~*child less than 18 years of age that results in or could reasonably be*~~
15 ~~*expected to result in physical injury to the child; or*~~
- 16 (2) ~~recklessly causing bodily harm to any child less than 18 years of~~
17 ~~age.~~

- (A) Knowingly torturing, cruelly beating, striking or kicking;
- (B) knowingly inflicting cruel and inhuman corporal punishment; or
- (C) knowingly using cruel and inhuman physical restraint, including caging or confining the child in a space not designated for human habitation or binding the child in a way that is not medically necessary;
- (2) recklessly causing great bodily harm, abusive head trauma, permanent disability or disfigurement; or
- (3)(A) knowingly causing great bodily harm, abusive head trauma permanent disability or disfigurement;
- (B) knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon; or
- (C) knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of the child or by blocking the nose or mouth of the child in a manner whereby death or great bodily harm could be inflicted

- 18 (b) ~~Aggravated abuse of a child is:~~
- 19 (1) ~~Knowingly torturing or cruelly beating any child less than 18~~
20 ~~years of age;~~
- 21 (2) ~~knowingly inflicting cruel and inhuman corporal punishment that~~
22 ~~results in bodily harm or when done in such away that disfigurement or~~
23 ~~death could occur to a child less than 18 years of age;~~
- 24 (3) ~~knowingly inflicting cruel and inhuman corporal punishment on~~
25 ~~any child less than 18 years of age with a deadly weapon;~~
- 26 (4) ~~knowingly using unreasonable physical restraint against a child~~
27 ~~less than 18 years of age through means including, but not limited to,~~
28 ~~caging or confining the child in any space not designed for human~~
29 ~~habitation or binding the child in a way that is not medically necessary; or~~
- 30 (5) ~~recklessly causing great bodily harm, permanent disability or~~
31 ~~disfigurement to any child less than 18 years of age.~~

Redesignate subsections

- 32 (c) (1) Abuse of a child is as defined in:
- 33 (1)(A) Severity level 5, person felony, except as provided in
34 subsection (b)(2); and
- 35 (2) severity level 4, person felony, if the victim is under the age of six
36 years ~~Subsection (a)(1) is a severity level 9, person felony; and~~

- Subsection (a)(1) is a:
- (i) Severity level 5, person felony if the child is at least six years of age but less than 18 years of age; and
 - (ii) severity level 3, person felony if the child is under 6 years of age;
 - (B) subsection (a)(2) is a severity level 4, person felony; and
 - (C) subsection (a)(3) is a severity level 3, person felony

- 1 ~~(B) subsection (a)(2) is a severity level 7, person felony.~~
- 2 ~~(2) Aggravated abuse of a child as defined in:~~
- 3 ~~(A) Subsection (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 5,~~
- 4 ~~person felony; and~~
- 5 ~~(B) subsection (b)(5) is a severity level 3, person felony.~~
- 6 ~~(c) A person who violates the provisions of this section may also be~~
- 7 ~~prosecuted for, convicted of, and punished for any form of battery or~~
- 8 ~~homicide.~~
- 9 Sec. 2. K.S.A. 2019 Supp. 21-5602 is hereby repealed.
- 10 Sec. 3. This act shall take effect and be in force from and after its
- 11 publication in the statute book.