

HOUSE BILL No. 2539

By Committee on Judiciary

1-25

1 AN ACT concerning crimes, punishment and criminal procedure; creating
2 the crime of violence in the presence of a child and providing criminal
3 penalties for violation thereof.
4

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

6 Section 1. (a) Violence in the presence of a child is committing:

7 (1) Assault, as defined in K.S.A. 2021 Supp. 21-5412, and
8 amendments thereto, or battery, as defined in K.S.A. 2021 Supp. 21-5413,
9 and amendments thereto, against a family or household member in the
10 presence of a child; or

11 (2) a felony violation of any crime described in article 54 or 55 of
12 chapter 21 of the Kansas Statutes Annotated, and amendments thereto, in
13 the presence of a child.

14 (b) (1) Violence in the presence of a child as defined in subsection (a)
15 (1) is a:

16 (A) Class A person misdemeanor except as provided in subsection (b)
17 (1)(B); and

18 (B) severity level 7, person felony on a second or subsequent
19 conviction.

20 (2) Violence in the presence of a child as defined in subsection (a)(2)
21 is a severity level 5, person felony.

22 (c) If multiple children are present during a violation of this section,
23 the presence of each child shall be considered a separate violation of this
24 section.

25 (d) As used in this section:

26 (1) "In the presence of a child" means in the physical presence of a
27 child or with knowledge that a child may see or hear such crime being
28 committed; and

29 (2) "child" means a person under 18 years of age.

30 (e) This section shall be a part of and supplemental to the Kansas
31 criminal code.

32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the statute book.