

SENATE BILL No. 415

By Committee on Ways and Means

2-20

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to burglary; amending K.S.A. 2013 Supp. 21-5807 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 21-5807 is hereby amended to read as
7 follows: 21-5807. (a) Burglary is, without authority, entering into or
8 remaining within any:

9 (1) Dwelling, with intent to commit a felony, theft or sexually
10 motivated crime therein;

11 (2) building, manufactured home, mobile home, tent or other
12 structure which is not a dwelling, with intent to commit a felony, theft or
13 sexually motivated crime therein; or

14 (3) vehicle, aircraft, watercraft, railroad car or other means of
15 conveyance of persons or property, with intent to commit a felony, theft or
16 sexually motivated crime therein.

17 (b) Aggravated burglary is, without authority, entering into or
18 remaining within any:

19 (1) *Dwelling in which there is a human being, with intent to commit a*
20 *felony, theft or sexually motivated crime therein;*

21 (2) building, manufactured home, mobile home, tent or other
22 structure *which is not a dwelling in which there is a human being, with*
23 *intent to commit a felony, theft or sexually motivated crime therein;* or

24 (3) ~~any~~ vehicle, aircraft, watercraft, railroad car or other means of
25 conveyance of persons or property in which there is a human being, with
26 intent to commit a felony, theft or sexually motivated crime therein.

27 (c) (1) Burglary as defined in:

28 (A) Subsection (a)(1) is a severity level ~~7~~ 6, person felony, except as
29 provided in subsection (c)(2);

30 (B) subsection (a)(2) is a severity level 7, nonperson felony, except as
31 provided in subsection (c)(2);

32 (C) subsection (a)(3) is a severity level 9, nonperson felony, except as
33 provided in subsection (c)(2); and

34 (2) subsection (a)(1), (a)(2) or (a)(3) with the intent to commit the
35 theft of a firearm is a severity level 5, nonperson felony.

36 (3) Aggravated burglary *as defined in:*

- 1 (A) *Subsection (b)(1) is a severity level 4, person felony; and*
- 2 (B) *subsection (b)(2) or (b)(3) is a severity level 5, person felony.*
- 3 (d) As used in this section, "sexually motivated" means that one of
- 4 the purposes for which the defendant committed the crime was for the
- 5 purpose of the defendant's sexual gratification.
- 6 Sec. 2. K.S.A. 2013 Supp. 21-5807 is hereby repealed.
- 7 Sec. 3. This act shall take effect and be in force from and after its
- 8 publication in the statute book.