

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2534

By Representatives O'Neal, Alford, Arpke, Billinger, Calloway, Carlin, Cassidy, Collins, Crum, DeGraaf, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hedke, Hermanson, Hill, Hoffman, Howell, Huebert, Kelly, Kerschen, Kiegerl, Kleebl, LeDoux, Montgomery, Mosier, Moxley, O'Hara, Otto, Patton, Peck, Rubin, Ryckman, Scapa, Seiwert, Smith, Suellentrop, 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

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

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

12 (1) Such person knows or reasonably should know that such child has
13 been missing ~~for a period of 12 hours or more,~~ **with the intent to conceal**
14 **the commission of a crime, other than a violation of this subsection;** or

15 (2) such person knows that such child is missing and has reason to
16 believe or reasonably should have reason to believe that such child is in
17 imminent danger of death or great bodily harm.

18 (b) **(1)** Failure to report the death of a child is knowingly failing to
19 **promptly** report the death of a child ~~as provided in subsection (a) of~~
20 ~~K.S.A. 22a-242, and amendments thereto~~ **to a law enforcement officer,**
21 **law enforcement agency or state investigative agency, with the intent**
22 **to conceal the commission of a crime, other than a violation of this**
23 **subsection,** by a:

24 ~~(A)~~ **(A)** Parent, legal guardian or caretaker; or

25 ~~(B)~~ **(B)** person required to make a report as provided in subsection (c)
26 of K.S.A. 38-2223, and amendments thereto, unless such person is a
27 parent, legal guardian or caretaker.

28 **(2) The provisions of this subsection shall not apply when the**
29 **child's death has been reported by another person or is otherwise**
30 **known by a law enforcement officer, law enforcement agency or state**
31 **investigative agency.**

32 (c) (1) Failure to report the disappearance of a child is a severity level

1 8, nonperson felony.

2 (2) Failure to report the death of a child as defined in:

3 (A) Subsection (b)(1)(A) is a severity level 8, nonperson felony; and

4 (B) subsection (b)(2) ~~(1)(B)~~ is a class B nonperson misdemeanor.

5 (d) As used in this section, “caretaker” means a person 16 years of
6 age or older that ~~has had~~ willfully assumed responsibility for the care of a
7 child at the time of the child's disappearance **or death**.

8 Sec. 2. K.S.A. 2011 Supp. 21-5904 is hereby amended to read as
9 follows: 21-5904. (a) Interference with law enforcement is:

10 (1) Falsely reporting to a law enforcement officer, **law enforcement**
11 **agency** or state investigative agency that a crime has been committed *or*
12 *any information concerning a crime or suspected crime*, knowing that such
13 information is false and intending that the officer or agency shall act in
14 reliance upon such information; ~~or~~

15 (2) *falsely reporting to a law enforcement officer, law enforcement*
16 **agency** *or state investigative agency any information concerning the*
17 *death, disappearance or potential death or disappearance of a child under*
18 *the age of 13, knowing that such information is false and intending that*
19 *the officer or agency shall act in reliance upon such information; or*

20 (3) knowingly obstructing, resisting or opposing any person
21 authorized by law to serve process in the service or execution or in the
22 attempt to serve or execute any writ, warrant, process or order of a court,
23 or in the discharge of any official duty.

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

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

26 (2) *subsection (a)(2) is a severity level 8, nonperson felony; and*

27 (3) ~~Interference with law enforcement as defined in subsection (a)(2)~~

28 (3) is a:

29 (A) Severity level 9, nonperson felony in the case of a felony, or
30 resulting from parole or any authorized disposition for a felony; and

31 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
32 resulting from any authorized disposition for a misdemeanor, or a civil
33 case.

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

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.

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