

3
4 **HOUSE BILL No. 2539**

5
6 By Committee on Federal and State Affairs

7
8 2-21

9
10 AN ACT concerning land surveyors; relating to trespassing; amending
11 K.S.A. 2000 Supp. 21-3721 and repealing the existing section.

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

14 New Section 1. A land surveyor, licensed pursuant to article 70 of
15 chapter 74 of the Kansas Statutes Annotated, and amendments thereto,
16 and such surveyor's authorized agents and employees may enter upon
17 lands, waters and premises of a party who has not requested the survey
18 when it is necessary for the purpose of making a survey ~~as such surveyor~~
19 ~~deems necessary or convenient. Such~~ **If the licensed surveyor has**
20 **made a reasonable attempt to gain permission from the land-**
21 **owner, such** entry shall not be deemed a trespass. The licensed surveyor
22 shall make reimbursement for any actual damage resulting to such lands,
23 waters and premises as a result of such activities. **Nothing herein shall**
24 **change the status of the licensed surveyor as an occupier of land.**

25 Sec. 2. K.S.A. 2000 Supp. 21-3721 is hereby amended to read as
26 follows: 21-3721. (a) Criminal trespass is:

27 (1) Entering or remaining upon or in any land, nonnavigable body of
28 water, structure, vehicle, aircraft or watercraft other than railroad prop-
29 erty as defined in K.S.A. 2000 Supp. 21-3761 and amendments thereto
30 by a person who knows such person is not authorized or privileged to do
31 so, and:

32 (A) Such person enters or remains therein in defiance of an order
33 not to enter or to leave such premises or property personally communi-
34 cated to such person by the owner thereof or other authorized person;
35 or

36 (B) such premises or property are posted in a manner reasonably
37 likely to come to the attention of intruders, or are locked or fenced or
38 otherwise enclosed, or shut or secured against passage or entry; or

39 (C) such person enters or remains therein in defiance of a restraining
40 order issued pursuant to K.S.A. 60-1607, 60-3105, 60-3106 or 60-3107 or
41 K.S.A. 38-1542, 38-1543 or 38-1563, and amendments thereto, and the
42 restraining order has been personally served upon the person so re-
43 strained; or

1 (2) entering or remaining upon or in any public or private land or
2 structure in a manner that interferes with access to or from any health
3 care facility by a person who knows such person is not authorized or
4 privileged to do so and such person enters or remains thereon or therein
5 in defiance of an order not to enter or to leave such land or structure
6 personally communicated to such person by the owner of the health care
7 facility or other authorized person.

8 (b) As used in this section:

9 (1) “Health care facility” means any licensed medical care facility,
10 certificated health maintenance organization, licensed mental health cen-
11 ter, or mental health clinic, licensed psychiatric hospital or other facility
12 or office where services of a health care provider are provided directly to
13 patients.

14 (2) “Health care provider” means any person: (A) Licensed to prac-
15 tice a branch of the healing arts; (B) licensed to practice psychology; (C)
16 licensed to practice professional or practical nursing; (D) licensed to prac-
17 tice dentistry; (E) licensed to practice optometry; (F) licensed to practice
18 pharmacy; (G) registered to practice podiatry; (H) licensed as a social
19 worker; or (I) registered to practice physical therapy.

20 (c) (1) Criminal trespass is a class B nonperson misdemeanor.

21 (2) Upon a conviction of a violation of subsection (a)(1)(C), a person
22 shall be sentenced to not less than 48 consecutive hours of imprisonment
23 which must be served either before or as a condition of any grant of
24 probation or suspension, reduction of sentence or parole.

25 (d) *This section shall not apply to a land surveyor, licensed pursuant*
26 *to article 70 of chapter 74 of the Kansas Statutes Annotated, and amend-*
27 *ments thereto, and such surveyor’s authorized agents and employees who*
28 *enter upon lands, waters and other premises in the making of a survey.*

29 Sec. 3. K.S.A. 2000 Supp. 21-3721 is hereby repealed.

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

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