

HOUSE BILL No. 2673

By Committee on Judiciary

1-23

AN ACT concerning crimes and punishment; relating to contributing to a child's misconduct; amending K.S.A. 2001 Supp. 21-3612 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 21-3612 is hereby amended to read as follows: 21-3612. (a) Contributing to a child's misconduct or deprivation is:

(1) *Except as provided in paragraph (7), causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the Kansas code for care of children;*

(2) causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810 and amendments thereto;

(3) failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has regarding a runaway, with intent to aid the runaway in avoiding detection or apprehension;

(4) sheltering or concealing a runaway with intent to aid the runaway in avoiding detection or apprehension by law enforcement officers;

(5) causing or encouraging a child under 18 years of age to commit an act which, if committed by an adult, would be a felony; ~~or~~

(6) causing or encouraging a child to violate the terms or conditions of the child's probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-1663, and amendments thereto; *or*

(7) *causing or encouraging a child under 16 years of age to become or remain a child in need of care as defined by subsection (a)(3) of K.S.A. 38-1502, and amendments thereto.*

Contributing to a child's misconduct or deprivation as described in subsection (a)(1), (2), (3) or (6) is a class A nonperson misdemeanor. Contributing to a child's misconduct or deprivation as described in subsection (a)(4) is a severity level 8, person felony. Contributing to a child's misconduct or deprivation as described in subsection (a)(5) is a severity level 7, person felony.

1 (b) A person may be found guilty of contributing to a child's miscon-
2 duct or deprivation even though no prosecution of the child whose mis-
3 conduct or deprivation the defendant caused or encouraged has been
4 commenced pursuant to the Kansas code for care of children, Kansas
5 juvenile justice code or Kansas criminal code.

6 (c) As used in this section, "runaway" means a child under 18 years
7 of age who is willfully and voluntarily absent from:

8 (1) The child's home without the consent of the child's parent or
9 other custodian; or

10 (2) a court ordered or designated placement, or a placement pursuant
11 to court order, if the absence is without the consent of the person with
12 whom the child is placed or, if the child is placed in a facility, without
13 the consent of the person in charge of such facility or such person's
14 designee.

15 (d) This section shall be part of and supplemental to the Kansas crim-
16 inal code.

17 Sec. 2. K.S.A. 2001 Supp. 21-3612 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.

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