

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2639

By Committee on Corrections and Juvenile Justice

1-28

10 AN ACT concerning crimes and punishment; relating to traffic in con-
11 traband; amending K.S.A. 2003 Supp. 21-3826 and repealing the ex-
12 isting section.

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

15 Section 1. K.S.A. 2003 Supp. 21-3826 is hereby amended to read as
16 follows: 21-3826. (a) Traffic in contraband ~~in a correctional institution~~ is:
17 (1) Introducing or attempting to introduce into or upon the grounds of
18 any correctional institution or taking, sending, attempting to take or at-
19 tempting to send from any correctional institution or any unauthorized
20 possession while in any correctional institution or distributing within any
21 correctional institution, any item without the consent of the administrator
22 of the correctional institution; *or*

23 (2) *providing to or attempting to provide to a person known to be an*
24 *inmate in the custody of a department of corrections' correctional insti-*
25 *tution* **or a juvenile offender in the custody of a juvenile justice**
26 **authority's correctional institution, while such inmate or juvenile of-**
27 **fender is outside such correction institution for the inmate's or juvenile**
28 **offender's use or consumption, irrespective of whether the item is in-**
29 **tended to be brought into or upon the grounds of such correctional insti-**
30 **tution or possessing, attempting to possess, using or attempting to**
31 **use by an inmate or juvenile offender:**

32 (A) *Alcohol;*

33 (B) *tobacco;*

34 (C) *controlled substances;*

35 (D) *firearms, ammunition or explosives;*

36 (E) *currency, but not including compensation forwarded to the cor-*
37 *rectional institution for deposit in an inmate's* **or juvenile offender's**
38 *institution account;*

39 (F) *tools and equipment except as required in the performance of the*
40 *inmate's* **or juvenile offender's** *approved work assignment;*

41 (G) *cellular telephone;*

42 (H) *internet access; or*

43 (I) *communication equipment or devices, other than cellular tele-*

1 *phones and internet access, except as required in the performance of the*
2 *inmate's or juvenile offender's approved work assignment.*

3 (b) For purposes of this section: (1) "Correctional institution" means
4 any state correctional institution or facility, conservation camp, state se-
5 curity hospital, juvenile correctional facility, community correction center
6 or facility for detention or confinement, juvenile detention facility or jail.

7 (2) "Controlled substance" shall have the meaning ascribed thereto
8 by subsection (e) of K.S.A. 65-4101, and amendments thereto.

9 (c) (1) Traffic in contraband ~~in a correctional institution~~ of firearms,
10 ammunition, explosives or a controlled substance ~~which is defined in sub-~~
11 ~~section (e) of K.S.A. 65-4101, and amendments thereto,~~ is a severity level
12 5, nonperson felony.

13 (2) Traffic in any contraband, as defined by rules and regulations
14 adopted by the secretary, ~~in a correctional institution~~ by an employee of
15 a correctional institution is a severity level 5, nonperson felony.

16 (d) Except as provided in subsection (c), traffic in contraband ~~in a~~
17 ~~correctional institution~~ is a severity level 6, nonperson felony.

18 Sec. 2. K.S.A. 2003 Supp. 21-3826 is hereby repealed.

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