

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2730

By Committee on Corrections and Juvenile Justice

2-5

10 AN ACT concerning crimes and punishment; relating to **aggravated**
11 endangering a child, ~~amending K.S.A. 21-3608 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. 21-3608 is hereby amended to read as follows: 21-~~
16 ~~3608. (a) Endangering a child is:~~

17 ~~—(1) Intentionally and unreasonably causing or permitting a child un-~~
18 ~~der the age of 18 years to be placed in a situation in which the child's~~
19 ~~life, body or health may be injured or endangered;~~

20 ~~—(2) intentionally and unreasonably causing or permitting a child un-~~
21 ~~der the age of 18 years to be placed in a situation in which the child's life~~
22 ~~may be endangered; or~~

23 ~~—(3) knowingly and intentionally causing or permitting a child under~~
24 ~~the age of 18 years to be present where:~~

25 **(a) Aggravated endangering a child is endangering a child, as de-**
26 **defined in K.S.A. 21-3608, and amendments thereto, and permitting**
27 **such child to be in an environment where:**

28 ~~(A) (1) A person is selling, offering for sale or having in such person's~~
29 ~~possession with intent to sell, deliver, distribute, prescribe, administer,~~
30 ~~dispense, manufacture or attempt to manufacture any methamphetamine~~
31 ~~as defined by subsections (d)(3) or (f)(1) of K.S.A. 65-4107, and amend-~~
32 ~~ments thereto; or~~

33 ~~(B) (2) drug paraphernalia or volatile, toxic or flammable chemicals~~
34 ~~are stored for the purpose of manufacturing or attempting to manufacture~~
35 ~~any methamphetamine as defined by subsections (d)(3) or (f)(1) of K.S.A.~~
36 ~~65-4107, and amendments thereto; or~~

37 **(3) a loaded and unsecured firearm is present and readily ac-**
38 **cessible by an unattended child under the age of 14 who has not**
39 **been issued a certificate of completion of an approved hunter ed-**
40 **ucation course.**

41 **(b) Aggravated endangering a child is a severity level 9, person**
42 **felony.**

43 **(c) This section shall be part and supplemental to the Kansas**

1 **criminal code.**

2 ~~(b) Nothing in this section shall be construed to mean a child is en-~~
3 ~~dangered for the sole reason the child's parent or guardian, in good faith,~~
4 ~~selects and depends upon spiritual means alone through prayer, in ac-~~
5 ~~cordance with the tenets and practice of a recognized church or religious~~
6 ~~denomination, for the treatment or cure of disease or remedial care of~~
7 ~~such child.~~

8 ~~—(c) Endangering a child as defined by subsection (a)(1) is a class A~~
9 ~~person misdemeanor. Endangering a child as defined by subsection (a)(2)~~
10 ~~or (a)(3) is a severity level 9, person felony.~~

11 (d) As used in this section, “manufacture” shall have the meaning
12 ascribed to that term in K.S.A. 65-4101, and amendments thereto, and
13 “drug paraphernalia” shall have the meaning ascribed to that term in
14 K.S.A. 65-4150, and amendments thereto.

15 ~~Sec. 2. K.S.A. 21-3608 is hereby repealed.~~

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