

HOUSE BILL No. 2768

By Representative Owens

2-9

9 AN ACT concerning crimes and punishment; amending K.S.A. 2003
10 Supp. 21-3761 and repealing the existing section.

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

13 Section 1. K.S.A. 2003 Supp. 21-3761 is hereby amended to read as
14 follows: 21-3761. (a) It shall be unlawful for any person to:

15 (1) Without consent of the owner or the owner's agent, enter or re-
16 main on railroad property, knowing that it is railroad property; or

17 (2) maliciously or wantonly cause in any manner the derailment of a
18 train, railroad car or rail-mounted work equipment.

19 (b) Violation of ~~this~~ subsection (a)(1) is a class A nonperson
20 misdemeanor.

21 ~~(b) Any person violating subsection (a) which results in a demonstra-~~
22 ~~ble monetary loss, damage or destruction of railroad property when such~~
23 ~~loss is valued at more than \$1,500 upon conviction shall be guilty of Vi-~~
24 ~~olation of subsection (a)(2) is a severity level § 10, nonperson felony.~~

25 (c) Subsection (a) shall not be construed to interfere with the lawful
26 use of a public or private crossing.

27 (d) Nothing in this section shall be construed as limiting a represen-
28 tative or member of a labor organization which represents or is seeking
29 to represent the employees of the railroad, from conducting such business
30 as provided under the railway labor act (45 U.S.C. 151, et seq.) and other
31 federal labor laws.

32 (e) As used in this section "railroad property" includes, but is not
33 limited to, any train, locomotive, railroad car, caboose, rail-mounted work
34 equipment, rolling stock, work equipment, safety device, switch, elec-
35 tronic signal, microwave communication equipment, connection, railroad
36 track, rail, bridge, trestle, right-of-way or other property that is owned,
37 leased, operated or possessed by a railroad company.

38 Sec. 2. K.S.A. 2003 Supp. 21-3761 is hereby repealed.

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