AN ACT concerning crimes, punishment and criminal procedure; relating to abuse of a child; aggravated abuse of a child; penalties; amending K.S.A. 2019 Supp. 21-5602 and repealing the existing section.

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

Section 1. K.S.A. 2019 Supp. 21-5602 is hereby amended to read as follows:

(a) Abuse of a child is:

(1) Torturing or cruelly beating any child under the age of 18 years;

(2) shaking any child under the age of 18 years which results in great bodily harm to the child; or

(3) inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.

(b) Aggravated abuse of a child is:

(1) Knowingly torturing or cruelly beating any child less than 18 years of age;

(2) knowingly inflicting cruel and inhuman corporal punishment that results in bodily harm or when done in such a way that disfigurement or death could occur to a child less than 18 years of age;

(3) knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon on a child less than 18 years of age;

(4) knowingly using unreasonable physical restraint against a child less than 18 years of age through means including, but not limited to, caging or confining the child in any space not designed for human habitation or binding the child in a way that is not medically necessary; or

(5) recklessly causing great bodily harm, permanent disability or disfigurement to any child less than 18 years of age.

(c) (1) Abuse of a child is as defined in:

(A) Subsection (a)(1) is a severity level 5, person felony, except as provided in subsection (b)(2); and

(B) subsection (a)(2) is a severity level 7, person felony.

(2) severity level 4, person felony, if the victim is under the age of six years. Aggravated abuse of a child who is 16 years of age or older as
defined in:
(A) Subsection (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 6, person felony; and
(B) subsection (b)(5) is a severity level 4, person felony.
(3) Aggravated abuse of a child who is under 16 years of age as defined in:
(A) Subsection (b)(1), (b)(2), (b)(3) or (b)(4) is a severity level 5, person felony; and
(B) subsection (b)(5) is a severity level 3, person felony.
(c) The provisions of subsection (b)(4) shall not apply to a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, while such officer is acting in the lawful performance of such officer's duties.
(e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.
Sec. 2. K.S.A. 2019 Supp. 21-5602 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.