

**SENATE BILL No. 527**

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning abortion; relating to unlawful coercion to obtain an  
2 abortion; creating the crime of coercion to obtain an abortion;  
3 providing the penalties therefor; providing for enhanced criminal  
4 penalties for offenses committed with the intent to compel a woman to  
5 obtain an abortion; amending K.S.A. 21-6804 and repealing the  
6 existing section.  
7

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

9 New Section 1. (a) Coercion to obtain an abortion is engaging in  
10 coercion with knowledge that a woman is pregnant and with the intent to  
11 compel such woman to obtain an abortion when such woman has  
12 expressed her desire to not obtain an abortion.

13 (b) Coercion to obtain an abortion, as defined in subsection (a), is:

14 (1) A person felony, and the offender shall be sentenced to not less  
15 than 30 days nor more than one year's imprisonment and fined not less  
16 than \$500 nor more than \$5,000; or

17 (2) if committed by the father or the putative father, who is 18 years  
18 of age or older at the time of the violation, of the unborn child of a  
19 pregnant woman and such pregnant woman is less than 18 years of age at  
20 the time of the violation, a person felony, and the offender shall be  
21 sentenced to not less than 90 days nor more than one year's imprisonment  
22 and fined not less than \$1,000 nor more than \$10,000.

23 (c) As used in this section:

24 (1) "Abortion" means the same as defined in K.S.A. 65-6701, and  
25 amendments thereto;

26 (2) "coercion" means any of the following:

27 (A) Threatening to harm or physically restrain an individual or the  
28 creation or execution of any scheme, plan or pattern intended to cause an  
29 individual to believe that failure to perform an act would result in financial  
30 harm to, or physical restraint of, an individual;

31 (B) abusing or threatening abuse of the legal system, including threats  
32 of arrest or deportation without regard to whether the individual being  
33 threatened is subject to arrest or deportation under the laws of this state or  
34 the United States;

35 (C) knowingly destroying, concealing, removing, confiscating or  
36 possessing any actual or purported passport or other immigration

1 document or any other actual or purported government identification  
2 document from an individual without regard to whether the documents are  
3 fraudulent or fraudulently obtained; or

4 (D) facilitating or controlling an individual's access to a controlled  
5 substance, as defined in K.S.A. 65-4101, and amendments thereto, other  
6 than for a legitimate medical purpose;

7 (3) "financial harm" means any of the following:

8 (A) Any loan, promissory note or other credit instrument that  
9 provides for interest at a rate that is prohibited by state or federal law;

10 (B) any employment contract or other agreement for the payment of  
11 wages that violates the wage payment act, K.S.A. 44-313 et seq., and  
12 amendments thereto;

13 (C) extortion as defined in K.S.A. 21-6501, and amendments thereto;  
14 or

15 (D) any other adverse financial consequence; and

16 (4) "unborn child" means a living individual organism of the species  
17 homo sapiens, in utero, at any stage of gestation from fertilization to birth.

18 (d) This section shall be a part of and supplemental to the Kansas  
19 criminal code.

20 Sec. 2. K.S.A. 21-6804 is hereby amended to read as follows: 21-  
21 6804. (a) The provisions of this section shall be applicable to the  
22 sentencing guidelines grid for nondrug crimes. The following sentencing  
23 guidelines grid shall be applicable to nondrug felony crimes:

24 (b) Sentences expressed in the sentencing guidelines grid for nondrug  
25 crimes represent months of imprisonment.

26 (c) The sentencing guidelines grid is a two-dimensional crime  
27 severity and criminal history classification tool. The grid's vertical axis is  
28 the crime severity scale which classifies current crimes of conviction. The  
29 grid's horizontal axis is the criminal history scale which classifies criminal  
30 histories.

31 (d) The sentencing guidelines grid for nondrug crimes as provided in  
32 this section defines presumptive punishments for felony convictions,  
33 subject to the sentencing court's discretion to enter a departure sentence.  
34 The appropriate punishment for a felony conviction should depend on the  
35 severity of the crime of conviction when compared to all other crimes and  
36 the offender's criminal history.

37 (e) (1) The sentencing court has discretion to sentence at any place  
38 within the sentencing range. In the usual case it is recommended that the  
39 sentencing judge select the center of the range and reserve the upper and  
40 lower limits for aggravating and mitigating factors insufficient to warrant a  
41 departure.

42 (2) In presumptive imprisonment cases, the sentencing court shall  
43 pronounce the complete sentence which shall include the:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Person Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 34 31	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5 4

LEGEND
Presumptive Probation
30 Days or More
Presumptive Imprisonment

1

2 (A) Prison sentence;

3 (B) maximum potential reduction to such sentence as a result of good  
4 time; and

5 (C) period of postrelease supervision at the sentencing hearing.

6 Failure to pronounce the period of postrelease supervision shall not negate  
7 the existence of such period of postrelease supervision.8 (3) In presumptive nonprison cases, the sentencing court shall  
9 pronounce the:

10 (A) Prison sentence; and

11 (B) duration of the nonprison sanction at the sentencing hearing.

12 (f) Each grid block states the presumptive sentencing range for an  
13 offender whose crime of conviction and criminal history place such  
14 offender in that grid block. If an offense is classified in a grid block below  
15 the dispositional line, the presumptive disposition shall be  
16 nonimprisonment. If an offense is classified in a grid block above the  
17 dispositional line, the presumptive disposition shall be imprisonment. If an  
18 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose  
19 an optional nonprison sentence as provided in subsection (q).20 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,  
21 aggravated battery against a law enforcement officer committed prior to  
22 July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments  
23 thereto, aggravated assault against a law enforcement officer, which places  
24 the defendant's sentence in grid block 6-H or 6-I shall be presumed  
25 imprisonment. The court may impose an optional nonprison sentence as  
26 provided in subsection (q).27 (h) When a firearm is used to commit any person felony, the  
28 offender's sentence shall be presumed imprisonment. The court may  
29 impose an optional nonprison sentence as provided in subsection (q).30 (i) (1) The sentence for the violation of the felony provision of K.S.A.  
31 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and  
32 amendments thereto, shall be as provided by the specific mandatory  
33 sentencing requirements of that section and shall not be subject to the  
34 provisions of this section or K.S.A. 21-6807, and amendments thereto.35 (2) If because of the offender's criminal history classification the  
36 offender is subject to presumptive imprisonment or if the judge departs  
37 from a presumptive probation sentence and the offender is subject to  
38 imprisonment, the provisions of this section and K.S.A. 21-6807, and  
39 amendments thereto, shall apply and the offender shall not be subject to  
40 the mandatory sentence as provided in K.S.A. 21-5823, and amendments  
41 thereto.42 (3) Notwithstanding the provisions of any other section, the term of  
43 imprisonment imposed for the violation of the felony provision of K.S.A.

1 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and  
2 amendments thereto, shall not be served in a state facility in the custody of  
3 the secretary of corrections. Prior to imposing any sentence pursuant to  
4 this subsection, the court may consider assigning the defendant to a house  
5 arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

6 (j) (1) The sentence for any persistent sex offender whose current  
7 convicted crime carries a presumptive term of imprisonment shall be  
8 double the maximum duration of the presumptive imprisonment term. The  
9 sentence for any persistent sex offender whose current conviction carries a  
10 presumptive nonprison term shall be presumed imprisonment and shall be  
11 double the maximum duration of the presumptive imprisonment term.

12 (2) Except as otherwise provided in this subsection, as used in this  
13 subsection, "persistent sex offender" means a person who:

14 (A) (i) Has been convicted in this state of a sexually violent crime, as  
15 defined in K.S.A. 22-3717, and amendments thereto; and

16 (ii) at the time of the conviction under clause (i) has at least one  
17 conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and  
18 amendments thereto, in this state or comparable felony under the laws of  
19 another state, the federal government or a foreign government; or

20 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,  
21 prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

22 (ii) at the time of the conviction under clause (i) has at least one  
23 conviction for rape in this state or comparable felony under the laws of  
24 another state, the federal government or a foreign government.

25 (3) Except as provided in subsection (j)(2)(B), the provisions of this  
26 subsection shall not apply to any person whose current convicted crime is  
27 a severity level 1 or 2 felony.

28 (k) (1) If it is shown at sentencing that the offender committed any  
29 felony violation for the benefit of, at the direction of, or in association with  
30 any criminal street gang, with the specific intent to promote, further or  
31 assist in any criminal conduct by gang members, the offender's sentence  
32 shall be presumed imprisonment. The court may impose an optional  
33 nonprison sentence as provided in subsection (q).

34 (2) As used in this subsection, "criminal street gang" means any  
35 organization, association or group of three or more persons, whether  
36 formal or informal, having as one of its primary activities:

37 (A) The commission of one or more person felonies; or

38 (B) the commission of felony violations of article 57 of chapter 21 of  
39 the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010  
40 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony  
41 violation of any provision of the uniform controlled substances act prior to  
42 July 1, 2009; and

43 (C) its members have a common name or common identifying sign or

1 symbol; and

2 (D) its members, individually or collectively, engage in or have  
3 engaged in the commission, attempted commission, conspiracy to commit  
4 or solicitation of two or more person felonies or felony violations of article  
5 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
6 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their  
7 transfer, any felony violation of any provision of the uniform controlled  
8 substances act prior to July 1, 2009, or any substantially similar offense  
9 from another jurisdiction.

10 (l) Except as provided in subsection (o), the sentence for a violation  
11 of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or  
12 conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments  
13 thereto, to commit such offense, when such person being sentenced has a  
14 prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its  
15 repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-  
16 5807(b), and amendments thereto, or any attempt or conspiracy to commit  
17 such offense, shall be presumptive imprisonment.

18 (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-  
19 5913(a)(2), and amendments thereto, shall be presumptive imprisonment.  
20 If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G,  
21 5-H or 5-I, the court may impose an optional nonprison sentence as  
22 provided in subsection (q).

23 (n) The sentence for a violation of criminal deprivation of property, as  
24 defined in K.S.A. 21-5803, and amendments thereto, when such property  
25 is a motor vehicle, and when such person being sentenced has any  
26 combination of two or more prior convictions of K.S.A. 21-3705(b), prior  
27 to its repeal, or of criminal deprivation of property, as defined in K.S.A.  
28 21-5803, and amendments thereto, when such property is a motor vehicle,  
29 shall be presumptive imprisonment. Such sentence shall not be considered  
30 a departure and shall not be subject to appeal.

31 (o) (1) The sentence for a felony violation of theft of property as  
32 defined in K.S.A. 21-5801, and amendments thereto, or burglary as  
33 defined in K.S.A. 21-5807(a), and amendments thereto, when such person  
34 being sentenced has no prior convictions for a violation of K.S.A. 21-3701  
35 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A.  
36 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-  
37 5807(a), and amendments thereto; or the sentence for a felony violation of  
38 theft of property as defined in K.S.A. 21-5801, and amendments thereto,  
39 when such person being sentenced has one or two prior felony convictions  
40 for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their  
41 repeal, or theft of property as defined in K.S.A. 21-5801, and amendments  
42 thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807,  
43 and amendments thereto; or the sentence for a felony violation of burglary

1 as defined in K.S.A. 21-5807(a), and amendments thereto, when such  
2 person being sentenced has one prior felony conviction for a violation of  
3 K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of  
4 property as defined in K.S.A. 21-5801, and amendments thereto, or  
5 burglary or aggravated burglary as defined in K.S.A. 21-5807, and  
6 amendments thereto, shall be the sentence as provided by this section,  
7 except that the court may order an optional nonprison sentence for a  
8 defendant to participate in a drug treatment program, including, but not  
9 limited to, an approved aftercare plan, if the court makes the following  
10 findings on the record:

11 (A) Substance abuse was an underlying factor in the commission of  
12 the crime;

13 (B) substance abuse treatment in the community is likely to be more  
14 effective than a prison term in reducing the risk of offender recidivism;  
15 and

16 (C) participation in an intensive substance abuse treatment program  
17 will serve community safety interests.

18 (2) A defendant sentenced to an optional nonprison sentence under  
19 this subsection shall be supervised by community correctional services.  
20 The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall  
21 apply to a defendant sentenced under this subsection. The sentence under  
22 this subsection shall not be considered a departure and shall not be subject  
23 to appeal.

24 (p) (1) The sentence for a felony violation of theft of property as  
25 defined in K.S.A. 21-5801, and amendments thereto, when such person  
26 being sentenced has any combination of three or more prior felony  
27 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to  
28 their repeal, or theft of property as defined in K.S.A. 21-5801, and  
29 amendments thereto, or burglary or aggravated burglary as defined in  
30 K.S.A. 21-5807, and amendments thereto; or the sentence for a violation  
31 of burglary as defined in K.S.A. 21-5807(a), and amendments thereto,  
32 when such person being sentenced has any combination of two or more  
33 prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716,  
34 prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and  
35 amendments thereto, or burglary or aggravated burglary as defined in  
36 K.S.A. 21-5807, and amendments thereto, shall be presumed  
37 imprisonment and the defendant shall be sentenced to prison as provided  
38 by this section, except that the court may recommend that an offender be  
39 placed in the custody of the secretary of corrections, in a facility  
40 designated by the secretary to participate in an intensive substance abuse  
41 treatment program, upon making the following findings on the record:

42 (A) Substance abuse was an underlying factor in the commission of  
43 the crime;

1 (B) substance abuse treatment with a possibility of an early release  
2 from imprisonment is likely to be more effective than a prison term in  
3 reducing the risk of offender recidivism; and

4 (C) participation in an intensive substance abuse treatment program  
5 with the possibility of an early release from imprisonment will serve  
6 community safety interests by promoting offender reformation.

7 (2) The intensive substance abuse treatment program shall be  
8 determined by the secretary of corrections, but shall be for a period of at  
9 least four months. Upon the successful completion of such intensive  
10 treatment program, the offender shall be returned to the court and the court  
11 may modify the sentence by directing that a less severe penalty be  
12 imposed in lieu of that originally adjudged within statutory limits. If the  
13 offender's term of imprisonment expires, the offender shall be placed  
14 under the applicable period of postrelease supervision. The sentence under  
15 this subsection shall not be considered a departure and shall not be subject  
16 to appeal.

17 (q) (1) As used in this section, an "optional nonprison sentence" is a  
18 sentence which the court may impose, in lieu of the presumptive sentence,  
19 upon making the following findings on the record:

20 (A) An appropriate treatment program exists which is likely to be  
21 more effective than the presumptive prison term in reducing the risk of  
22 offender recidivism; and

23 (B) the recommended treatment program is available and the offender  
24 can be admitted to such program within a reasonable period of time; or

25 (C) the nonprison sanction will serve community safety interests by  
26 promoting offender reformation.

27 (2) Any decision made by the court regarding the imposition of an  
28 optional nonprison sentence shall not be considered a departure and shall  
29 not be subject to appeal.

30 (r) The sentence for a violation of K.S.A. 21-5413(c)(2), and  
31 amendments thereto, shall be presumptive imprisonment and shall be  
32 served consecutively to any other term or terms of imprisonment imposed.  
33 Such sentence shall not be considered a departure and shall not be subject  
34 to appeal.

35 (s) The sentence for a violation of K.S.A. 21-5512, and amendments  
36 thereto, shall be presumptive imprisonment. Such sentence shall not be  
37 considered a departure and shall not be subject to appeal.

38 (t) (1) If the trier of fact makes a finding beyond a reasonable doubt  
39 that an offender wore or used ballistic resistant material in the commission  
40 of, or attempt to commit, or flight from any felony, in addition to the  
41 sentence imposed pursuant to the Kansas sentencing guidelines act, the  
42 offender shall be sentenced to an additional 30 months' imprisonment.

43 (2) The sentence imposed pursuant to paragraph (1) shall be



1 presumptive imprisonment and shall be served consecutively to any other  
2 term or terms of imprisonment imposed. Such sentence shall not be  
3 considered a departure and shall not be subject to appeal.

4 (3) As used in this subsection, "ballistic resistant material" means  
5 any:

6 (A) Commercially produced material designed with the purpose of  
7 providing ballistic and trauma protection, including, but not limited to,  
8 bulletproof vests and kevlar vests; and

9 (B) homemade or fabricated substance or item designed with the  
10 purpose of providing ballistic and trauma protection.

11 (u) The sentence for a violation of K.S.A. 21-6107, and amendments  
12 thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and  
13 21-5302, and amendments thereto, to commit such offense, when such  
14 person being sentenced has a prior conviction for a violation of K.S.A. 21-  
15 4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or  
16 any attempt or conspiracy to commit such offense, shall be presumptive  
17 imprisonment. Such sentence shall not be considered a departure and shall  
18 not be subject to appeal.

19 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,  
20 and amendments thereto, shall be presumptive imprisonment and shall be  
21 served consecutively to any other term or terms of imprisonment imposed.  
22 Such sentence shall not be considered a departure and shall not be subject  
23 to appeal.

24 (w) The sentence for aggravated criminal damage to property as  
25 defined in K.S.A. 21-5813(b), and amendments thereto, when such person  
26 being sentenced has a prior conviction for any nonperson felony shall be  
27 presumptive imprisonment. Such sentence shall not be considered a  
28 departure and shall not be subject to appeal.

29 (x) The sentence for a violation of K.S.A. 21-5807(a)(1), and  
30 amendments thereto, shall be presumptive imprisonment if the offense  
31 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such  
32 sentence shall not be considered a departure and shall not be subject to  
33 appeal.

34 (y) (1) Except as provided in paragraph (3), if the trier of fact makes a  
35 finding beyond a reasonable doubt that an offender committed a nondrug  
36 felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301  
37 and 21-5302, and amendments thereto, to commit a nondrug felony  
38 offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p)  
39 (1) and (3), and amendments thereto, while such officer was engaged in  
40 the performance of such officer's duty, or in whole or in any part because  
41 of such officer's status as a law enforcement officer, the sentence for such  
42 offense shall be:

43 (A) If such offense is classified in severity level 2 through 10, one

1 severity level above the appropriate level for such offense; and

2 (B) (i) if such offense is classified in severity level 1, except as  
3 otherwise provided in clause (ii), imprisonment for life, and such offender  
4 shall not be eligible for probation or suspension, modification or reduction  
5 of sentence. In addition, such offender shall not be eligible for parole prior  
6 to serving 25 years' imprisonment, and such 25 years' imprisonment shall  
7 not be reduced by the application of good time credits. No other sentence  
8 shall be permitted.

9 (ii) The provisions of clause (i) requiring the court to impose a  
10 mandatory minimum term of imprisonment of 25 years shall not apply if  
11 the court finds the offender, because of the offender's criminal history  
12 classification, is subject to presumptive imprisonment and the sentencing  
13 range exceeds 300 months. In such case, the offender is required to serve a  
14 mandatory minimum term equal to the sentence established pursuant to the  
15 sentencing range.

16 (2) The sentence imposed pursuant to paragraph (1) shall not be  
17 considered a departure and shall not be subject to appeal.

18 (3) The provisions of this subsection shall not apply to an offense  
19 described in paragraph (1) if the factual aspect concerning a law  
20 enforcement officer is a statutory element of such offense.

21 (z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments  
22 thereto, or any other provision of law to the contrary, the sentence for a  
23 violation of criminal possession of a weapon by a convicted felon as  
24 defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive  
25 imprisonment and shall be served consecutively to any other term or terms  
26 of imprisonment imposed if the trier of fact makes a finding beyond a  
27 reasonable doubt that:

28 (A) The weapon the offender possessed during such violation was a  
29 firearm; and

30 (B) such firearm was used by the offender during the commission of  
31 any violent felony.

32 (2) The sentence imposed pursuant to paragraph (1) shall not be  
33 considered a departure and shall not be subject to appeal. No other  
34 sentence shall be permitted.

35 (3) The provisions of this subsection shall not apply to an offender  
36 who is prohibited from possessing a weapon pursuant to K.S.A. 21-6304,  
37 and amendments thereto, as a result of a juvenile adjudication.

38 (4) As used in this subsection, "violent felony" means any of the  
39 following:

40 (A) Capital murder, as defined in K.S.A. 21-5401, and amendments  
41 thereto;

42 (B) murder in the first degree, as defined in K.S.A. 21-5402, and  
43 amendments thereto;

- 1 (C) murder in the second degree, as defined in K.S.A. 21-5403, and  
2 amendments thereto;
- 3 (D) voluntary manslaughter, as defined in K.S.A. 21-5404, and  
4 amendments thereto;
- 5 (E) kidnapping, as defined in K.S.A. 21-5408(a)(1), and amendments  
6 thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and  
7 amendments thereto;
- 8 (F) aggravated assault, as defined in K.S.A. 21-5412(b)(1), and  
9 amendments thereto, and aggravated assault of a law enforcement officer,  
10 as defined in K.S.A. 21-5412(d)(1), and amendments thereto;
- 11 (G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)  
12 (1)(B), and amendments thereto, and aggravated battery against a law  
13 enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and  
14 amendments thereto;
- 15 (H) mistreatment of a dependent adult or mistreatment of an elder  
16 person, as defined in K.S.A. 21-5417(a)(1), and amendments thereto;
- 17 (I) rape, as defined in K.S.A. 21-5503, and amendments thereto;
- 18 (J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and  
19 amendments thereto;
- 20 (K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and  
21 amendments thereto;
- 22 (L) any felony offense described in K.S.A. 21-5703 or 21-5705, and  
23 amendments thereto;
- 24 (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;
- 25 (N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)  
26 (1), and amendments thereto;
- 27 (O) fleeing or attempting to elude a police officer, as defined in  
28 K.S.A. 8-1568(b), and amendments thereto;
- 29 (P) any felony that includes the domestic violence designation  
30 pursuant to K.S.A. 22-4616, and amendments thereto; or
- 31 (Q) any attempt, conspiracy or criminal solicitation, as defined in  
32 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any  
33 felony offense defined in this subsection.
- 34 (aa) (1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or  
35 (a)(1)(B), and amendments thereto, if the trier of fact makes a finding  
36 beyond a reasonable doubt that the offender discharged a firearm and that  
37 the offender knew or reasonably should have known that:
- 38 (A) A person was present in the dwelling, building, structure or motor  
39 vehicle at which the offender discharged a firearm, shall be presumptive  
40 imprisonment and, in addition to the sentence imposed pursuant to the  
41 Kansas sentencing guidelines act, the offender shall be sentenced to an  
42 additional 60 months of imprisonment; and
- 43 (B) a person less than 14 years of age was present in the dwelling,

1 building, structure or motor vehicle at which the offender discharged a  
2 firearm, shall be presumptive imprisonment and, in addition to the  
3 sentence imposed pursuant to the Kansas sentencing guidelines act, the  
4 offender shall be sentenced to an additional 120 months of imprisonment.

5 (2) The sentence imposed pursuant to paragraph (1) shall be served  
6 consecutively to any other term or terms of imprisonment imposed. Such  
7 sentence shall not be considered a departure and shall not be subject to  
8 appeal.

9 *(bb) (1) If the trier of fact makes a finding beyond a reasonable doubt*  
10 *that an offender committed any act described in K.S.A. 21-5408, 21-5409,*  
11 *21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-*  
12 *5428, 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508,*  
13 *21-5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and*  
14 *amendments thereto, or any attempt or conspiracy, as defined in K.S.A.*  
15 *21-5301 and 21-5302, and amendments thereto, to commit any such act*  
16 *with knowledge that a woman is pregnant and with the intent that such act*  
17 *will compel such woman to obtain an abortion when such woman has*  
18 *expressed her desire to not obtain an abortion, the sentence for such*  
19 *offense shall be:*

20 *(A) If such offense is classified in severity level 2 through 10, one*  
21 *severity level above the appropriate level for such offense; and*

22 *(B) (i) if such offense is classified in severity level 1, except as*  
23 *otherwise provided in clause (ii), imprisonment for life, and such offender*  
24 *shall not be eligible for probation or suspension, modification or*  
25 *reduction of sentence. In addition, such offender shall not be eligible for*  
26 *parole prior to serving 25 years' imprisonment, and such 25 years'*  
27 *imprisonment shall not be reduced by the application of good time credits.*  
28 *No other sentence shall be permitted.*

29 *(ii) The provisions of clause (i) requiring the court to impose a*  
30 *mandatory minimum term of imprisonment of 25 years shall not apply if*  
31 *the court finds the offender, because of the offender's criminal history*  
32 *classification, is subject to presumptive imprisonment and the sentencing*  
33 *range exceeds 300 months. In such case, the offender is required to serve*  
34 *a mandatory minimum term equal to the sentence established pursuant to*  
35 *the sentencing range.*

36 *(2) The sentence imposed pursuant to paragraph (1) shall not be*  
37 *considered a departure and shall not be subject to appeal.*

38 Sec. 3. K.S.A. 21-6804 is hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.