

2023 Kansas Statutes

21-5401. Capital murder. (a) Capital murder is the:

- (1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in K.S.A. 21-5408(a), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;
- (2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;
- (3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;
- (4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 21-5503, and amendments thereto, criminal sodomy, as defined in K.S.A. 21-5504(a)(3) or (4), and amendments thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and amendments thereto, or any attempt thereof, as defined in K.S.A. 21-5301, and amendments thereto;
- (5) intentional and premeditated killing of a law enforcement officer;
- (6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or
- (7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in K.S.A. 21-5408(a), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.

(b) For purposes of this section, "sex offense" means: Rape, as defined in K.S.A. 21-5503, and amendments thereto; aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b), and amendments thereto; aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and amendments thereto; selling sexual relations, as defined in K.S.A. 21-6419, and amendments thereto; promoting the sale of sexual relations, as defined in K.S.A. 21-6420, and amendments thereto; commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto; sexual exploitation of a child, as defined in K.S.A. 21-5510, and amendments thereto; internet trading in child pornography, as defined in K.S.A. 21-5514(a), and amendments thereto; aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto; or aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another.

(c) Capital murder or attempt to commit capital murder is an off-grid person felony.

(d) The provisions of K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of capital murder pursuant to this section.

History: L. 2010, ch. 136, § 36; L. 2013, ch. 120, § 14; L. 2014, ch. 114, § 2; L. 2017, ch. 78, § 9; July 1.