AN ACT concerning crimes, punishment and criminal procedure; relating
to burglary; amending K.S.A. 2016 Supp. 21-5807 and repealing the
existing section.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2016 Supp. 21-5807 is hereby amended to read as
follows: 21-5807. (a) Burglary is, without authority, entering into or
remaining within any:
   (1) Dwelling, with intent to commit a felony, theft or sexually
   motivated crime therein;
   (2) building, manufactured home, mobile home, tent or other
   structure which is not a dwelling, with intent to commit a felony, theft or
   sexually motivated crime therein; or
   (3) vehicle, aircraft, watercraft, railroad car or other means of
   conveyance of persons or property, with intent to commit a felony, theft or
   sexually motivated crime therein.
   (b) Aggravated burglary is, without authority, entering into or
   remaining within any:
   (1) Dwelling in which there is a human being, with intent to commit a
   felony, theft or sexually motivated crime therein;
   (2) building, manufactured home, mobile home, tent or other
   structure which is not a dwelling in which there is a human being, with
   intent to commit a felony, theft or sexually motivated crime therein; or
   (3) vehicle, aircraft, watercraft, railroad car or other means of
   conveyance of persons or property in which there is a human being with
   intent to commit a felony, theft or sexually motivated crime therein.
   (c) (1) Burglary as defined in:
      (A) (i) Subsection (a)(1) is a severity level 7, person felony, except
      provided in subsection (c)(1)(B);
      (ii) subsection (a)(2) is a severity level 7, nonperson felony, except as
      provided in subsection (c)(1)(B); and
      (iii) subsection (a)(3) is a severity level 9, nonperson felony, except
      as provided in subsection (c)(1)(B); and
      (B) (i) subsection (a)(1), with intent to commit the theft of a firearm,
      is a severity level 5, person felony; and
      (ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a
firearm, is a severity level 5, nonperson felony.

(2) Aggravated burglary as defined in:

(A) Subsection (b)(1) is a severity level 4, person felony; and

(B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) This section shall not apply to any person entering into or remaining in a retail or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2016 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein.

Sec. 2. K.S.A. 2016 Supp. 21-5807 is hereby repealed.

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