

## HOUSE BILL No. 2138

By Committee on Corrections and Juvenile Justice

2-3

1 AN ACT concerning crimes and punishment; relating to burglary;  
2 amending section 93 of chapter 136 of the 2010 Session Laws of  
3 Kansas and repealing the existing section.

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

6 Section 1. Section 93 of chapter 136 of the 2010 Session Laws of  
7 Kansas is hereby amended to read as follows: **Sec. 93. (a) Burglary**  
8 **is, without authority, entering into or remaining within any:**

9 (1) Dwelling, with intent to commit a ~~felony, theft or sexual battery~~  
10 *specified offense* therein;

11 (2) building, manufactured home, mobile home, tent or other  
12 structure which is not a dwelling, with intent to commit a ~~felony, theft or~~  
13 ~~sexual battery~~ *specified offense* therein; or

14 (3) vehicle, aircraft, watercraft, railroad car or other means of  
15 conveyance of persons or property, with intent to commit a ~~felony, theft~~  
16 ~~or sexual battery~~ *specified offense* therein.

17 (b) Aggravated burglary is, without authority, entering into or  
18 remaining within any building, manufactured home, mobile home, tent or  
19 other structure, or any vehicle, aircraft, watercraft, railroad car or other  
20 means of conveyance of persons or property in which there is a human  
21 being with intent to commit a ~~felony, theft or sexual battery~~ *specified*  
22 *offense* therein.

23 (c) (1) Burglary as defined in:

24 (A) Subsection (a)(1) is a severity level 7, person felony;

25 (B) subsection (a)(2) is a severity level 7, nonperson felony; and

26 (C) subsection (a)(3) is a severity level 9, nonperson felony.

27 (2) Aggravated burglary is a severity level 5, person felony.

28 (d) *As used in this section, "specified offense" means:*

29 (1) *A felony, theft or sexual battery;*

30 (2) *domestic battery, as defined in section 49 of chapter 136 of the*  
31 *2010 Session Laws of Kansas;*

32 (3) *stalking, as defined in section 62 of chapter 136 of the 2010*  
33 *Session Laws of Kansas; and*

34 (4) *violation of a protective order, as defined in section 149 of*  
35 *chapter 136 of the 2010 Session Laws of Kansas.*

36 Sec. 2. Section 93 of chapter 136 of the 2010 Session Laws of

1 Kansas is hereby repealed.

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

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