

2014 Uniform Public Offense Code Revisions

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The following is a list providing the specifics of amendments made to the 2014 version of the Uniform Public Offense Code published by the Kansas League of Municipalities. The list was compiled after several inquiries from cities for the information and confirming the League did not have such a list available.

It appears the League has completed a thorough review of the UPOCs and their related state statutes resulting in a large number of minor and clean-up amendments to the UPOCs, in addition to the 2014 state law amendments. It also appears, many of the criminal code recodification amendments passed in 2010 and effective in 2011 were not incorporated into the UPOC until this 2014 edition. Most of the amendments are incorporating those changes.

This list has not been reviewed by nor sanctioned by the Kansas League of Municipalities.

Section 1.1 – Definitions

Body Piercing – Changes “by aid of needles or other instruments” to “by aid of needles” and changes “inserting jewelry or other objects in or through” to “inserting removable jewelry through” and changes “ear” in the exceptions to “earlobe” reflecting contents of KSA 65-1940 (g) amended in 2008.

Cereal Malt Beverage – Adds “or any flavored malt beverage, as defined in KSA 41-2729, and amendments thereto” reflecting contents of KSA 41-2701 (a) amended in 2006.

Cosmetic Tattooing – New definition reflecting contents of KSA 65-1940 (l) amended in 2008.

To Deprive Permanently – Completely rewritten to mirror KSA 21-5111 (f), except the “, it” on the first line of subsection (b) appears to be a typo as it is not in the KSA. Reflects contents of KSA 21-5111, amended in 2011.

Obtains or Exerts Control Over Property – Changes “or the sale” to “sale” making it the same as in KSA 21-5111 (r) reflecting contents of KSA 21-5111 amended in 2011.

Toxic Vapors – Changed subsections to (a) through (o) from (1) through (15). (From KSA 21-5712 which still uses (1) through (15).)

Section 1.2 – Liability for Offenses of Another

Revised reflecting contents of KSA 21-5210 amended in 2011.

Section 1.3 – Corporations: Criminal Responsibility; Individual Liability

Minor wording changes reflecting contents of KSA 21-5211 and KSA 21-5212, amended in 2011.

Section 3.1 – Battery

Changes the culpability from “intentionally” to “knowingly and recklessly” in subsection (a) and to “knowingly” in subsection (b) as provided in the current KSA 21-5413.

Section 3.2.1 – Sexual Battery

Amended reflecting contents of KSA 21-5505, amended in 2011.

Section 3.5 – Unlawful Interference with a Firefighter

Revised reflecting contents of KSA 21-6325 amended in 2011.

Section 3.7 – Mistreatment of Confined Person

Revised reflecting contents of KSA 21-5416 amended in 2011.

Section 3.8 – Violation of Protection from Abuse Order

Adds “and a violation of a protective order” at the end of subsection (a) reflecting contents of KSA 60-3107.

Section 3.9 – Criminal False Communication

Renamed from “Criminal Defamation” and revised reflecting contents of KSA 21-6103 amended in 2011.

Section 3.10 – Eavesdropping

Deleted (These provisions were combined with KSA 21-6101, Breach of Privacy, in 2011 which is still active and was not amended in 2014.) See Section 3.12.

Section 3.12 – Breach of Privacy

Added subsections (b), (c), and (d) reflecting contents of KSA 21-6101 amended in 2011.

Section 3.13 – Stalking

Deleted the reference to “KSA 21-3843, as amended, prior to its repeal or” from subsection (b) reflecting contents of KSA 21-5427 amended in 2011.

Section 5.1 – Contributing to a Child’s Misconduct or Deprivation

Added the culpability of “knowingly” to subsections (a)(1), (a)(2) and (a)(4); added the last four lines of subsection (a)(2); added the last three lines of subsection (b); added all of subsection (c) defining runaway reflecting contents of KSA 21-5603 amended in 2011.

Section 5.2 – Furnishing Alcoholic Liquor or Cereal Malt Beverage to a Minor

Adds culpability of “recklessly” in line two of subsection (a); changed “giving or furnishing” to “or distributing” in line three of subsection (a); replaces “contains” with “that reasonably appears to contain” on line six of subsection (c)(3); reorders the subsections reflecting contents of KSA 21-5607 amended in 2011.

Section 5.3 – Unlawfully Hosting Minors Consuming Alcoholic Liquor or CMB

Changes culpability from “intentionally or recklessly” to “recklessly” in line two of subsection (a) reflecting contents of KSA 21-5608 amended in 2011.

Section 5.4 – Endangering a Child

Changed culpability from “intentionally and unreasonably” to “knowingly and unreasonably” in lines one and two of subsection (a) reflecting contents of KSA 21-5601 amended in 2011.

Section 5.7 – Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor

Added “electronic cigarettes” to line seven of subsection (b)(2) and to line eleven of subsection (b)(3). NOTE: “electronic cigarettes” is not included in the defense provisions of KSA 79-3322, but it probably should be. NOTE 2: It is a smoking infraction for a person under the age of 18 to purchase or attempt to purchase or to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products which is not included in the UPOC and must be charged under KSA 79-3321 subsections (m) or (n).

Section 6.1 – Theft

Subsection (a) reworded reflecting contents of KSA 21-5801, amended in 2011 and 2013. Subsections renumbered.

Section 6.2 – Intent; Permanently Deprive

Subsections (a)(7) and (a)(8) and (d) added reflecting contents of KSA 21-5804, amended in 2011.

Section 6.6 – Criminal Damage to Property

Subsections (a)(1) and (a)(2) reworded reflecting contents of KSA 21-5813, amended in 2011.

Section 6.7 – Criminal Trespass

Subsection (a) reworded reflecting contents of KSA 21-5808, amended in 2011.

Section 6.7.1 – Trespassing on Railroad Property

Subsection (a) reworded and subsection (d) added reflecting contents of KSA 21-5809, amended in 2011.

Section 6.8 – Littering

Deleted in 2013 with comments about conflicts in KSA. Those comments are removed in the 2014 edition.

Section 6.9 – Tampering with a landmark

Reworded reflecting contents of KSA 21-5816, amended in 2011

Section 6.10 – Tampering with a Traffic Signal

Changes culpability term in first paragraph from “intentionally” to “knowingly” and adds second paragraph reflecting contents of KSA 21-5817, amended in 2011.

Section 6.11 – Unlawful Manufacture or Disposal of False Tokens

Nonsubstantive wording changes in the first two lines of subsection (a) reflecting contents of KSA 21-5829.

Section 6.16 – Giving a Worthless Check

Minor wording changes throughout and added subsections (c) and (e) reflecting contents of KSA 21-5821, amended in 2011.

Section 6.17 – Criminal Use of a Financial Card

Wording modified in subsection (a) and “communications services” struck in subsection (b)(1) reflecting contents of KSA 21-5828, amended in 2011. NOTE: “Services remains in the ordinance and state statute covering all types of services, including communication services.

Section 6.18 Motor Vehicle Dealers: Selling Motor Vehicles Without a License

Adds “vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool” to the list of those requiring a DMV license reflecting contents of KSA 8-2434 amended in 2009.

Section 6.19 Equity Skimming

Wording changes reflecting changes to KSA 21-6504 made in 2011.

Section 6.20 Unlawful Acts Concerning Computers

Contents were rearranged with significant wording change in subsection (a)(1) and (a)(2) reflecting contents of KSA 21-5839 in 2011 and 2013.

Section 6.21 Taking Wildlife Without Permission on Land Posted “By Written Permission Only”

Title changed and the penalties paragraph at the end of the section is added reflecting contents of KSA 32-1013, amended in 2011.

Section 6.22 Criminal Hunting

Added culpability “knowingly” to subsection (a); made what was subsection (b) subsection (a)(3); combined two penalty subsections into subsection (b) reflecting contents of KSA 21-5810 amended in 2012.

Section 6.25 Unlawfully Buying Scrap Metal

Changed “scrap metal dealer” to “scrap metal dealer, or employee or agent of the dealer” in two places in subsection (a) reflecting contents of KSA 60-6,110.

Section 7.1 Compounding an Offense

Deleted. The UPOC section only had the provisions of subsection (a)(4) of KSA 21-5905, which are now found in subsection (a)(3) of section 7.4.

Section 7.2 – Interference with Law Enforcement

Added subsections (a)(2) and (b) reflecting contents of KSA 21-5904 amended in 2014 HB2655.

Section 7.3 – Escape from Custody

Added definitions for “juvenile offender” and “state correctional institution” from KSA 21-5911 as amended in 2011.

Section 7.4 – Interference with Judicial Process

Reworded to reflect amendments to KSA 21-5905 made in 2014 HB2448.

Section 7.10 – Falsely Signing a Petition

Added culpability of “knowingly” to subsection (a) reflecting contents of KSA 21-5916, amended in 2011.

Section 7.12 – Interference; Conduct, Public Business in Public Building

Culpability is changed from “intentionally” to “knowingly” in subsection (b), (c), (d), and (e) reflecting contents of KSA 21-5922, amended in 2011.

Section 7-14 – Electioneering

Added culpability of “knowingly” in subsection (a) reflecting contents of KSA 25-2430 amended in 2011.

Section 9.1 – Disorderly Conduct

Subsection (a) reworded and added subsection (c) reflecting contents of KSA 21-6203, amended in 2011.

Section 9.2 – Unlawful Assembly; Remaining at an Unlawful Assembly

Changed subsection (a) and changed culpability term in subsection (b) from “willingly” to “intentionally” reflecting contents of KSA 21-6202, amended in 2011.

Section 9.4 – Riot

Reworded reflecting contents of KSA 21-6201, amended in 2011.

Section 9.7 – Giving False Alarm

Adds an editor’s note about related changes made to KSA 21-6207 in 2014 HB2655 making some acts of giving a false alarm a felony.

Section 9.8 – Criminal Desecration

Adds culpability term “knowingly” to subsection (a) and “recklessly” to subsection (b) reflecting contents of KSA 21-6205, amended in 2011.

Section 9.10 – Harassment by Telecommunications Device

Added subsection (c) allowing offenders to be charged with and convicted of this crime and also with violating section 11.1 and 11.2 if appropriate, reflecting contents of KSA 21-6206 amended in 2011.

Section 9.11 – Unlawful Public Demonstration at a Funeral

Minor wording changes to title and subsection (a) reflecting contents of KSA 21-6106, amended in 2011. No substantive change.

Section 9.13 – Unlawful Posting of Political Pictures and Political Advertisements

Added culpability term of “knowingly” reflecting contents of KSA 21-5820, amended in 2011.

Section 10.1 – Criminal Use of Weapons

Struck “whether the person knows or has reason to know the length of the barrel” from subsection (a)(10) and added “or at another private range with permission of such person’s parent or legal guardian” to subsection (f)(2) reflecting contents of KSA 21-6301 amended in 2014 HB2578.

Section 10.1.1 – Criminal Carrying of a Weapon

Struck subsections (a)(4) and (a)(5) regarding firearms restrictions in compliance with 2014 HB2578 prohibiting local ordinance or regulation of the manner firearms are carried.

Section 10.3 – Criminal Disposal of Firearms

Changed to reflect contents of KSA 21-6303, amended in 2011. Note subsections (a) and (b) from the 2013 version are deleted, but they are found in section 10.1 subsection (a)(4) and (a)(5).

Section 10.3.1 – Criminal Possession of a Firearm

Deleted in compliance with 2014 HB2578 prohibiting local ordinance or regulation of the manner firearms are carried.

Section 10.4 – Confiscation, Disposition of Weapons

NOTE: This section was not amended, however it probably should have been. It is based on KSA 21-6307 which was repealed by 2014 HB2578. It was replaced by new provisions in 2014 HB2578§13 amending KSA 22-2512, see subsections (c), (d), (e) and (f).

Section 10.11 – Creating a Hazard

Adds culpability term “recklessly” to subsection (a) reflecting contents of KSA 21-6318, amended in 2011.

Section 10.12 – Unlawful Failure to Report a Wound

Adds “with no requirement of a culpable mental state” to subsection (a) reflecting contents of KSA 21-6319, amended in 2011.

Section 10.14 – Operation of a Motorboat or Sailboat

Adds exemption at end of subsection (a) for any person age 21 or older, reflecting contents of KSA 32-1139, amended in 2000.

Section 10.15 – Operating a Vessel Under the Influence of Alcohol or Drugs; Penalties

Change to title (“Intoxicating Liquor” to “Alcohol”) is only change I could find.

Section 10.16 – Throwing Objects

Reworded to reflect contents of KSA 21-5819, amended in 2011.

Section 10.17 – Tattooing or Body Piercing; Persons Under Age 18

Added term “cosmetic tattooing” in several places reflecting contents of KSA 65-1953, amended in 2008.

Section 10.20 – Unlawfully Obtaining a Prescription Only Drug

Adds “with intent to deceive” to subsection (a)(5) and amends the definition of “prescription order” in subsection (c) to reflect contents of KSA 21-5708, amended in 2012.

Section 10.22 – Alcohol Without Liquid Machine

Adds culpability term “knowingly” to subsection (a) reflecting contents of KSA 21-6321, amended in 2011.

Section 10.24 – Smoking Prohibited

Listed as amended but no changes were made.

Section 11.1 – Obscenity

Wording changes in subsections (a)(1), (a)(2), and (a)(3); adds “or obscene device” to the second line of subsection (d)(1); adds a recognizance provision at the end of the section reflecting contents of KSA 21-6401, amended in 2011.

Section 11.2 – Promoting Obscenity to Minors

Wording changes reflecting contents of KSA 21-6401, amended in 2011.

Section 11.7 – Material Harmful to Minors

Rewording of subsection (e) reflecting contents of KSA 21-6402, amended in 2011.

Section 11.8 – Gambling

Rewording of subsections (c) and (d)(1) reflecting contents of KSA 21-6403 and KSA 21-6404, amended in 2011.

Section 11.9 – Commercial Gambling

Changes culpability from “intentionally” to “knowingly” reflecting contents of KSA 21-6406, amended in 2011.

Section 11.10 – Possession of a Gambling Device

Reworded reflecting contents of KSA 21-6408, amended in 2011.

Section 11.11 – Cruelty to Animals (Listed as 11.1 on page 133 of UPOC book)

Reworded reflecting contents of KSA 21-6412 amended in 2011 and 2012.

Section 11.12 – Cockfighting

Adds “with intent to use in the unlawful conduct of cockfighting” to subsection (a); adds “whether or not the person knows or has reason to know that cockfighting is occurring on the premises” to subsection (b); adds subsection (c) reflecting contents of KSA 21-6417, amended in 2011.