

An act relating to crimes and penalties

With the capital punishment law repealed in 1907, the Kansas Legislature made several unsuccessful attempts at reinstatement in 1927, 1931, and 1933. In 1935, the legislature succeeded in reinstating the death penalty with House Bill 10. This bill file includes several different versions of the bill. The final version of the bill prescribes the punishment of death or life imprisonment for persons convicted of first degree murder. The bill allows the jury trying the case to decide the form of punishment. Although Kansas abolished the death penalty in 1907, no executions by state authority had occurred since 1870. See also, "Punishment for Murder in the First and Second Degree," Laws of Kansas, 1935, Chapter 154.

Creator: Kansas. Legislature

Date: 1935

Callnumber: Secretary of State, Legislative Documents, Box 34755 Folder HB10-1935

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KANSAS
HISTORICAL
SOCIETY

An act relating to crimes and penalties

37

Don't fold this edge over, and DON'T use eyelets or staples.

1935

House Bill No. 10

By Mr. Hatch

An Act relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

1-8-35 read first time.
1-9-35 read second time and referred to
Com. on Judiciary

1-10-35 committee recom'd Be Passed As Amended
1-15-35 com. whole recom'd Be Passed As Amended and rereferred to Judiciary
1-15-35 engrossed re-entossed - 3-9-35 Comm.
1-16-35 read third time and Passed

Yea, 65; nay, 26
Message to Senate Jan 16, 1935
W.T. Bishop
Chief Clerk of House.

SENATE HISTORY

Received on Message Jan 16-1935
1-16-35 read first time.
1-17-35 read second time and referred to
Com. on JUDICIARY

2-5-35 committee recom'd Be Passed
3-7-35 com. whole recom'd Passed As Amended.
3-9-35 read third time and Passed As Amended.
Yea, 24; nay, 15
To House 3-18-35
Clarence W. Miller
Secretary of Senate.

15-2820 (H 9) 15-34-134 4-Fla.

Mar 8-1935 House concurs in Senate Amendments 108 Yeas-O Nays

An act relating to crimes and penalties

HOUSE BILL NO. 10.

By Mr. Hatch.

AN ACT relating to crimes and ²panalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

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

Section 1. That section 21-403 of the Revised Statutes of Kansas for 1923 be amended to read as follows:
Section 21-403. Persons convicted of murder in the first degree shall be punished by death or by confinement and hard labor in the penitentiary of the state of Kansas for life, and the jury trying the case shall determine which punishment shall be inflicted: Provided, That the death penalty shall not be inflicted under this Act upon any person under the age of eighteen years. Those convicted of murder in the second degree shall be punished by confinement and hard labor for not less than ten years.

Sec. 2. That section 21-403 of the Revised Statutes of Kansas for 1923 is hereby repealed.

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

An act relating to crimes and penalties

1935

House Bill No. 10

By Mr. Hatch

An Act relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

4 am. 1. 1935 read first time.
Jan. 9, 1935 read second time and referred to
 Com. on Judiciary.
Jan. 10, 1935 committee recom'd. *PASSED AS AMENDED.*
Jan. 15, 1935 Com. whole recom'd. *PASSED AS AMENDED and referred to Judiciary Comm.*

engrossed
 read third time and
 Yeas _____; nays _____
 Messaged to Senate.

Chief Clerk of House.

SENATE HISTORY

Received on Message _____
 _____ read first time.
 _____ read second time and referred to
 Com. on _____
 _____ committee recom'd.
 _____ com. whole recom'd.
 _____ read third time and
 Yeas _____; nays _____
 To House _____

Secretary of Senate.

15-2229 (H S) 15-24-15C 4-15c

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An act relating to crimes and penalties

Don't fold this edge over, and DON'T use eyelets or staples.

H. B. No. 10

2

MAKE OUT FOUR COPIES AND INSERT FULL TITLE OF BILL

Mr. SPEAKER: Your Committee on Judiciary
to whom was rereferred House bill No. 10 by Mr. Hatch
and which was amended by the Committee of the whole House

10 pt. second

have had the same under consideration ~~in discussion~~, and instruct me to report the bill back to the House
with the recommendation that it be amended in Section 1 by
striking out the words beginning with the word "PROVIDED", in line
6, and ending with the word "DEPENDANT", in line 9, and that it be
passed as amended.

the bill

Adopted
John W. Canstine

O.P. May
O.P. May
Chairman

Chairman. ☐

An act relating to crimes and penalties

H. B. No. 10

HOUSE BILL NO. 10

By Mr. Hatch

AN ACT relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

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

Section 1. That section 21-403 of the Revised Statutes of Kansas for 1923 be amended to read as follows: Sec. 21-403. Persons convicted of murder in the first degree shall be punished by death or by confinement and hard labor in the penitentiary of the state of Kansas for life, and the jury assessing the punishment shall determine which punishment shall be inflicted: (Provided, however, That the question of the death penalty shall not be submitted to the jury by the court unless there shall be direct evidence of the guilt of the defendant.) Those convicted of murder in the second degree shall be punished by confinement and hard labor for not less than ten years.

Sec. 2. That section 21-403 of the Revised Statutes of Kansas for 1923 is hereby repealed.

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

An act relating to crimes and penalties

Don't fold this edge over, and DON'T use eyelets or staples.

Print 1935 the Senate

House Bill No. 10

By Mr. Hatch

An Act relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

1-8-35 read first time.

1-9-35 read second time and referred to Com. on Judiciary

1-10-35 committee recom'd. Be passed as amended

1-15-35 com. whole recom'd. Be passed as amended and rereferred to Judiciary Comm.

1-15-35 engrossed

JAN 16 1935 read third time and Passed

Yea 26

Nay 26

Messaged to Senate

Chief Clerk of House

SENATE HISTORY

Received on Message JAN 16 1935

JAN 16 1935 read first time.

JAN 17 1935 read second time and referred to Com. on Judiciary

FEB 5 1935 committee recom'd. Be Passed

MAR 7 1935 com. whole recom'd. Passed as amended

MAR 8 1935 read third time and Passed as Amended

Yea 24

Nay 35

To House

19-2229 (H. 2) 12-24-15 4-15

MAR 8 1935 House committee don't amend 10 days - 0 days

An act relating to crimes and penalties

Printed for the Senate

HOUSE BILL NO. 10.

By Mr. Hatch.

AN ACT relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

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

Section 1. That section 21-403 of the Revised Statutes of Kansas for 1923 be amended to read as follows:

Sec. 21-403. Persons convicted of murder in the first degree shall be punished by death or by confinement and hard labor in the penitentiary of the state of Kansas for life, and the jury trying the case shall determine which punishment shall be inflicted. Those convicted of murder in the second degree shall be punished by confinement and hard labor for not less than ten years.

Sec. 2. That section 21-403 of the Revised Statutes of Kansas for 1923 is hereby repealed.

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



An act relating to crimes and penalties

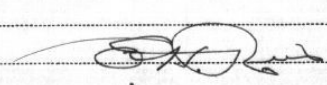
and DON'T use eyelets or staples.

MAKE OUT FOUR COPIES AND INSERT FULL TITLE OF BILL—PASTE ORIGINAL ON COVER

Mr. PRESIDENT: Your Committee on JUDICIARY,
to whom was referred HOUSE bill No. 10, by MR. HATCH,
An act relating to crimes and penalties, prescribing the
punishment for murder in the first and second degree, a-
manding section 21-403 of the Revised Statutes of Kansas
of 1923, and repealing said original section.

have had the same under consideration, and instruct me to report the bill back to the Senate with the recommen-
dation that it be

PASSED.


E. H. REES, Chairman.

15-6220 (S 47) 1-35-1M



STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. SPEAKER:

I move to amend HB Bill No. 10
Line 5, Section 1, by Striking
after the word in the words "inserting
the Punishment" and
Substituting therefor
the words - "trying the
case"

Adopted

15-6230 (H 2) 12-34-2500

John W Canothus

Harry Repsher

District.

An act relating to crimes and penalties

Boesface Bill

Session of 1935

HOUSE BILL No. 10

By Mr. HATCH

AN ACT relating to crimes and penalties, prescribing the punishment for murder in the first and second degree, amending section 21-403 of the Revised Statutes of Kansas of 1923, and repealing said original section.

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

SECTION 1. That section 21-403 of the Revised Statutes of Kansas for 1923 be amended to read as follows: Sec. 21-403. Persons convicted of murder in the first degree shall be punished *by death or* by confinement and hard labor in the penitentiary of the state of Kansas for life, *and the jury assessing the punishment shall determine which punishment shall be inflicted.* *Provided, however, That the question of the death penalty shall not be submitted to the jury by the court unless there shall be direct evidence of the guilt of the defendant.* Those convicted of murder in the second degree shall be punished by confinement and hard labor for not less than ten years.

SEC. 2. That section 21-403 of the Revised Statutes of Kansas for 1923 is hereby repealed.

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

*set in 10 Bf italics,
inside Bf brackets,
balance of bill same
as copy.*

*Sub Committee
report at end
10ft leaded*



STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend ~~Senate~~ House Bill No. 10 Sec. 1

Line 6, by ~~deleting~~ inserting after the word

"inflicted" the following: Provided, that the death penalty shall not

be inflicted under this Act upon any person under the age of ~~twenty-one~~ *eighteen*

years.

MAR 7 1935

ADOPTED

NH

Senator *Binson*

DWR

15-6220 (S13) 1-35-2M