

An act relating to kidnaping in the first degree

In 1955, the Kansas Legislature expanded the state's capital punishment law with Senate Bill 80 to include the crime of kidnapping. Since the death penalty was reinstated in Kansas in 1935, after its repeal in 1907, only persons convicted of first degree murder were eligible for execution. Senate Bill 80 limits the application of the death penalty to kidnappers who have harmed their captives, though in case of a jury trial the jury is to assign the punishment. While no state-authorized executions occurred in Kansas between 1870-1944, the state executed fifteen persons between 1944-1965.

Creator: Kansas. Legislature

Date: 1955

Callnumber: Secretary of State, Legislative Documents, Box 34843

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KANSAS
HISTORICAL
SOCIETY

An act relating to kidnaping in the first degree

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

Enrolled 3-25-55 8mb
1955

Senate Bill No. 80
By ~~Senator~~ Committee on Judiciary

An Act relating to kidnaping in the first degree and prescribing penalties for violations thereof; amending section 21-449 of the General Statutes of 1949 and repealing said original section.

2-1-55 read first time.
2-2-55 read second time and referred to
Com. on Committee of the Whole
2-8-55 committee recom'd.
2-8-55 com. whole recom'd. Be Passed as Amended
2-8-55 engrossed. Passed as Amended
2-8-55 read third time and
Yeas 34; nays 1
Messaged to House 2-9-55
Sidney Margaret Gindoff
Secretary of Senate.

HOUSE HISTORY

Received on Message 2-9-55
FEB 10 1955 read first time.
FEB 11 1955 read second time and referred to
Com. on JUDICIARY
MAR 1 1955 committee recom'd. BE PASSED
MAR 2 1955 com. whole recom'd. BE PASSED
MAR 24 1955 read third time and Passed
Yeas 71; nays 3
To Senate 3-24-55
Frank Barnett
Chief Clerk of House.

Received from House 3-24-55
Sidney Margaret Gindoff
Secretary of Senate.

27-5599-6 9-54-750

An act relating to kidnaping in the first degree

Printed for the House

SENATE BILL NO. 80

By Committee on Judiciary

AN ACT relating to kidnaping in the first degree and prescribing penalties for violations thereof; amending section 21-449 of the General Statutes of 1949 and repealing said original section.

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

Section 1. Section 21-449 of the General Statutes of 1949 is hereby amended to read as follows: Sec. 21-449. If any person or persons shall willfully, without lawful authority, seize, confine, inveigle, decoy, kidnap or take or carry away by any means whatever, any person or persons or cause such child or person or persons to be secretly confined against his will, for the purpose and with the intention of causing the father or mother or any other relative of the person so kidnaped, or any other person, to pay or offer to pay any sum as ransom or reward for the return or release of any person or persons, or if bodily harm is in any way inflicted upon the person or persons so kidnaped, said person or persons so guilty of the above-mentioned acts or act, shall, on conviction, be deemed guilty of kidnaping in the first degree and be punished by death or by confinement and hard labor in the penitentiary for life, if the kidnaped person has been harmed, or by imprisonment in the penitentiary for not less than twenty (20) years if the kidnaped person is unharmed. If there is a jury trial the jury shall determine which punishment shall be inflicted. If there is a plea of guilty the court shall determine which punishment shall be inflicted, and in doing so shall hear evidence: Provided, That the death penalty shall not be inflicted, either by the jury or by the court, upon any person who was under the age of eighteen years at the time the crime was committed. Any person or persons charged with such offense may be tried in any county into or through which the person so seized, inveigled, decoyed, kidnapped, or otherwise taken shall have been carried or brought.

Sec. 2. Section 21-449 of the General Statutes of 1949 is hereby repealed.

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

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REPORTS OF STANDING COMMITTEES

(Make out four copies)

Mr. Speaker Your

Committee on Judiciary

Recommends that Senate Bill No. 80

An Act relating to kidnaping in the first degree and
prescribing penalties for violations thereof;
amending section 21-449 of the General Statutes
of 1949 and repealing said original section.

Be Passed.

H-10

1-51-5M

 Chairman.