Kansas

Overall Ranking: Top Tier

Kansas Research Facility Protection Law

**KAN. STAT. ANN. § 47-1825 (2010). Short title.**

This act shall be known and may be cited as the farm animal and field crop and research facilities protection act.

**KAN. STAT. ANN. § 47-1826 (2010). Definitions.**

As used in this act:

(a) “Animal” means any warm or coldblooded animal used in food, fur or fiber production, agriculture, research, testing or education and includes dogs, cats, poultry, fish and invertebrates.

(b) “Animal facility” includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) “Consent” means assent in fact, whether express or apparent.

(d) “Deprive” means to:

   (1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;
(2) restore the animal or other property only upon payment of reward or other compensation; or

(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(e) “Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(1) Induced by force or threat;

(2) given by a person the offender knows is not legally authorized to act for the owner; or

(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

(f) “Owner” means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

(g) “Person” means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest or other legal entity.

(h) “Possession” means actual care, custody, control or management.

(i) “Research facility” means any place, laboratory, institution, medical care facility, elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal or field crop product is carried out, conducted or attempted.

**KAN. STAT. ANN. § 47-1827 (2010). Prohibited acts; criminal penalties.**

(a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.

(b) No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property and to damage the enterprise conducted at the animal facility.

(c) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:

   (1) Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;
(2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility;

(3) enter an animal facility and commit or attempt to commit an act prohibited by this section; or

(4) enter an animal facility to take pictures by photograph, video camera or by any other means.

(d)(1) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:

(A) Had notice that the entry was forbidden; or

(B) received notice to depart but failed to do so.

(2) For purposes of this subsection (d), “notice” means:

(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(g)(1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of $25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least $1,000 but less than $25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than $1,000 or is of the value of $1,000 or more and is damaged to the extent of less than $1,000.

(2) Violation of subsection (b) is a severity level 10, nonperson felony.

(3) Violation of subsection (c) is a class A, nonperson misdemeanor.
(4) Violation of subsection (d) or (f) is a class B nonperson misdemeanor.

(h) The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.

**KAN. STAT. ANN. § 47-1828 (2010). Recovery of damages.**

(a) Any person who has been damaged by reason of a violation of K.S.A. 47-1827, and amendments thereto may bring an action in the district court against the person causing the damage to recover:

   (1) An amount equal to three times all actual and consequential damages. Actual and consequential damages shall include the damages involving production, research, testing, replacement and crop or animal development costs directly related to the field crop or animal that has been damaged or destroyed; and

   (2) court costs and reasonable attorney fees.

(b) Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of K.S.A. 47-1827, and amendments thereto.

**Kansas Animal Cruelty Law**

**KAN. STAT. ANN. § 21-6412. Cruelty to animals; injury to a domestic animal; custody of animal; disposition; damages for killing, when; expenses of care assessed owner, when; duty of county or district attorney.**

(a) Cruelty to animals is:

   (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

   ...

(c) The provisions of this section shall not apply to:

   (1) Normal or accepted veterinary practices;

   (2) bona fide experiments carried on by commonly recognized research facilities;

   ...

Note: These provision were included in 2010 Kansas Laws Ch. 136 (H.B. 2668) which takes effect July 1, 2011. The prior statute, KAN. STAT. ANN. § 21-4310, contained the same exemptions as the statute above.
**Kansas Open Records Act**

**KAN. STAT. ANN. § 45-218 (2010). Inspection of records; request; response; refusal, when; fees.**

(a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall removal original copies of public records from the office of any public agency without the written permission of the custodian of the record.

**KAN. STAT. ANN. § 45-219 (2010). Abstracts or copies of records; fees.**

(a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

1. In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

2. In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

3. Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a and amendments thereto.

4. Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

5. Fees for access to or copies of public records of a public agency within the executive branch of the state
government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than $.25 per page shall be deemed a reasonable fee.

**KAN. STAT. ANN. § 45-221 (2010). Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open.**

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

...(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

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**Kansas Harassment Law**

**KAN. STAT. ANN. § 21-4113 (2010). Harassment by telephone.**

(a) Harassment by telephone is use of telephone communication for any of the following purposes:

(1) Making or transmitting any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;

(2) making a telephone call, whether or not conversation ensues, or transmitting a telefacsimile communication with intent to abuse, threaten or harass any person at the called number;

(3) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;

(4) making repeated telephone calls, during which conversation ensues, or repeatedly transmitting a telefacsimile communication solely to harass any person at the called number;

(5) playing any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed, unless the person or group playing the recording shall be identified and state that it is a recording; or

(6) knowingly permitting any telephone or telefacsimile communication machine under one's control to be used
for any of the purposes mentioned herein.

(b) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this section. Such notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word “WARNING.”

(c) Harassment by telephone is a class A nonperson misdemeanor.

(d) As used in this section, “telephone communication” shall include telefacsimile communication which is the use of electronic equipment to send or transmit a copy of a document via telephone lines.


(a) Harassment by telefacsimile communication is the use of telefacsimile communication to send or transmit such communication to a court in the state of Kansas for a use other than court business.

(b) Harassment by telefacsimile communication is a class A nonperson misdemeanor.

(c) As used in this section, telefacsimile communication means the use of electronic equipment to send or transmit a copy of a document via telephone line.

Other


Disorderly conduct is, with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or other breach of the peace:

(a) Engaging in brawling or fighting; or

(b) Disturbing an assembly, meeting, or procession, not unlawful in its character; or

(c) Using offensive, obscene, or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

Disorderly conduct is a class C misdemeanor.

Notice: These statutes are provided only for reference purposes and are current through the 2010 legislative session. Every effort has been made to ensure their accuracy, however they will not contain information that has been inserted after their preparation. The National Association for Biomedical Research makes no warranty, express or implied, of the accuracy of these statutes. To be certain of the current version of the statutes and regulations, please refer to the official printed version of the statutes and regulations.