

HOUSE BILL No. 2161

By Representatives Hildabrand, Bradford, Claeys, Garber, Grosserode, Hedke,
Houser, Howell, Montgomery, O'Brien, Peck, Petty, Read and Rothlisberg

1-30

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to the crime of unlawful denial of due process; relating to the national
3 defense authorization act.

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

6 Section 1. (a) Unlawful denial of due process of law is knowingly
7 attempting, conducting or assisting the:

8 (1) Indefinite detention of a person apprehended within the United
9 States without charge or trial;

10 (2) prosecution of a person apprehended within the United States by a
11 military tribunal; or

12 (3) transfer of a person apprehended within the United States to any
13 foreign jurisdiction pursuant to a prosecution brought by the United States
14 or any subdivision thereof.

15 (b) Unlawful denial of due process of law is a class A nonperson
16 misdemeanor.

17 (c) The provisions of this act shall not apply to the court martial of
18 any member of the United States military pursuant to the uniform code of
19 military justice, 10 U.S.C. Chapter 47.

20 (d) It shall not be a defense that the person was acting under the
21 authority of sections 1021 or 1022 of the national defense authorization act
22 for fiscal year 2012, public law 112-81, or any other law of the state of
23 Kansas or the United States.

24 (e) A person who violates the provisions of this section may also be
25 prosecuted for, convicted of, and punished for kidnapping or aggravated
26 kidnapping, K.S.A. 2012 Supp. 21-5408, and amendments thereto.

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