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MEMORANDUM

To: House Committee on Federal and State Affairs

From: Mike Heim

Date: March 6, 2024

Subject: HB 2808

HB 2808 creates two new crimes:

- (a) Causing harm to a public transportation employee; and
- (b) Aggravated causing harm to a public transportation employee.

Causing harm to a public transportation employee includes:

(1) spitting, throwing or otherwise transferring bodily fluids, pathogens or human waste onto the person of the public transportation employee;

(2) throwing an object such as a brick, rock, bottle, projectile, firework, chemical agent or explosive device that a reasonable person knows or should know could cause physical injury if the object struck a public transportation employee; or

(3) physically striking a public transportation employee by punching, kicking, slapping or otherwise striking the public transportation employee.

Any person who commits this crime is guilty of a class A person misdemeanor.

Aggravated causing harm to a public transportation employee includes:

(1) Causing physical contact resulting in a serious injury to a public transportation employee;

(2) brandishing a firearm or other weapon in such a manner that the display of the firearm or other weapon creates a substantial threat of serious physical injury or death to such a public transportation employee;

or

(3) attempting to strangle such a public transportation employee causing serious injury to a public transportation employee.

Aggravated causing harm to a public transportation employee is a severity level 7 person felony.

"Public transportation employee" means any employee or contract employee of a transportation system as the term "transportation system" is defined in K.S.A. 75-5034-- "Transportation system" means all public and private transportation providers which provide public transportation services to elderly persons, persons with disabilities and the general public, and which receive federal support through 49 U.S.C. §§ 5307, 5310 or 5311 from the U.S. department of transportation, federal transit administration.