

## 2012 Kansas Statutes

### **21-5413. Battery; aggravated battery; battery against a law enforcement officer; aggravated battery against a law enforcement officer; battery against a school employee; battery against a mental health employee.** (a) Battery is:

- (1) Knowingly or recklessly causing bodily harm to another person; or
  - (2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner;
- (b) Aggravated battery is:
- (1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;
  - (B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or
  - (C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;
- (2) (A) recklessly causing great bodily harm to another person or disfigurement of another person; or
  - (B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted.
- (c) Battery against a law enforcement officer is:
- (1) Battery, as defined in subsection (a)(2), committed against a:
    - (A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or
    - (B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or
  - (2) battery, as defined in subsection (a)(1), committed against a:
    - (A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or
    - (B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or
  - (3) battery, as defined in subsection (a) committed against a:
    - (A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;
    - (B) juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;
    - (C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or
    - (D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.
- (d) Aggravated battery against a law enforcement officer is:
- (1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:
    - (A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or
    - (B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;
  - (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:
    - (A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or
    - (B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or
  - (3) knowingly causing, with a motor vehicle, bodily harm to a:
    - (A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or
    - (B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.
- (e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.
- (f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee's duty.
- (g) (1) Battery is a class B person misdemeanor.
- (2) Aggravated battery as defined in:
    - (A) Subsection (b)(1)(A) is a severity level 4, person felony;
    - (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;
    - (C) subsection (b)(2)(A) is a severity level 5, person felony; and
    - (D) subsection (b)(2)(B) is a severity level 8, person felony.
  - (3) Battery against a law enforcement officer as defined in:
    - (A) Subsection (c)(1) is a class A person misdemeanor;
    - (B) subsection (c)(2) is a severity level 7, person felony; and
    - (C) subsection (c)(3) is a severity level 5, person felony.
  - (4) Aggravated battery against a law enforcement officer as defined in:
    - (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and
    - (B) subsection (d)(2) is a severity level 4, person felony.

- (5) Battery against a school employee is a class A person misdemeanor.
- (6) Battery against a mental health employee is a severity level 7, person felony.
- (h) As used in this section:
  - (1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;
  - (2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution;
  - (3) "juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto;
  - (4) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto;
  - (5) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility;
  - (6) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12; and
  - (7) "mental health employee" means an employee of the department of social and rehabilitation services working at Larned state hospital, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.

**History:** L. 2010, ch. 136, § 48; L. 2011, ch. 30, § 19; July 1.