

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2017

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning crimes and punishment; relating to aggravated
2 battery; amending K.S.A. 2014 Supp. 21-5413 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 21-5413 is hereby amended to read as
7 follows: 21-5413. (a) Battery is:

8 (1) Knowingly or recklessly causing bodily harm to another person;
9 or

10 (2) knowingly causing physical contact with another person when
11 done in a rude, insulting or angry manner;

12 (b) Aggravated battery is:

13 (1) (A) Knowingly causing great bodily harm to another person or
14 disfigurement of another person;

15 (B) knowingly causing bodily harm to another person with a deadly
16 weapon, or in any manner whereby great bodily harm, disfigurement or
17 death can be inflicted; or

18 (C) *except as provided in subsection (b)(1)(D)*, knowingly causing
19 physical contact with another person when done in a rude, insulting or
20 angry manner with a deadly weapon, or in any manner whereby great
21 bodily harm, disfigurement or death can be inflicted; or

22 (D) *knowingly impeding the normal breathing or circulation of the*
23 *blood by applying pressure on the throat or neck of another person or by*
24 *blocking the nose or mouth of another person, ~~when done in a rude,~~*
25 *insulting or angry manner:*

26 (i) **Resulting in great bodily harm to another person or**
27 **disfigurement of another person; or**

28 (ii) **when done in a rude, insulting or angry manner;**

29 (2) (A) recklessly causing great bodily harm to another person or
30 disfigurement of another person; or

31 (B) recklessly causing bodily harm to another person with a deadly
32 weapon, or in any manner whereby great bodily harm, disfigurement or
33 death can be inflicted; or

34 (3) (A) committing an act described in K.S.A. 8-1567, and
35 amendments thereto, when great bodily harm to another person or
36 disfigurement of another person results from such act; or

1 (B) committing an act described in K.S.A. 8-1567, and amendments
2 thereto, when bodily harm to another person results from such act under
3 circumstances whereby great bodily harm, disfigurement or death can
4 result from such act.

5 (c) Battery against a law enforcement officer is:

6 (1) Battery, as defined in subsection (a)(2), committed against a:

7 (A) Uniformed or properly identified university or campus police
8 officer while such officer is engaged in the performance of such officer's
9 duty; or

10 (B) uniformed or properly identified state, county or city law
11 enforcement officer, other than a state correctional officer or employee, a
12 city or county correctional officer or employee, a juvenile correctional
13 facility officer or employee or a juvenile detention facility officer, or
14 employee, while such officer is engaged in the performance of such
15 officer's duty; ~~or~~

16 (2) battery, as defined in subsection (a)(1), committed against a:

17 (A) Uniformed or properly identified university or campus police
18 officer while such officer is engaged in the performance of such officer's
19 duty; or

20 (B) uniformed or properly identified state, county or city law
21 enforcement officer, other than a state correctional officer or employee, a
22 city or county correctional officer or employee, a juvenile correctional
23 facility officer or employee or a juvenile detention facility officer, or
24 employee, while such officer is engaged in the performance of such
25 officer's duty; or

26 (3) battery, as defined in subsection (a) committed against a:

27 (A) State correctional officer or employee by a person in custody of
28 the secretary of corrections, while such officer or employee is engaged in
29 the performance of such officer's or employee's duty;

30 (B) juvenile correctional facility officer or employee by a person
31 confined in such juvenile correctional facility, while such officer or
32 employee is engaged in the performance of such officer's or employee's
33 duty;

34 (C) juvenile detention facility officer or employee by a person
35 confined in such juvenile detention facility, while such officer or employee
36 is engaged in the performance of such officer's or employee's duty; or

37 (D) city or county correctional officer or employee by a person
38 confined in a city holding facility or county jail facility, while such officer
39 or employee is engaged in the performance of such officer's or employee's
40 duty.

41 (d) Aggravated battery against a law enforcement officer is:

42 (1) An aggravated battery, as defined in subsection (b)(1)(A)
43 committed against a:

1 (A) Uniformed or properly identified state, county or city law
 2 enforcement officer while the officer is engaged in the performance of the
 3 officer's duty; or

4 (B) uniformed or properly identified university or campus police
 5 officer while such officer is engaged in the performance of such officer's
 6 duty;

7 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
 8 (C), committed against a:

9 (A) Uniformed or properly identified state, county or city law
 10 enforcement officer while the officer is engaged in the performance of the
 11 officer's duty; or

12 (B) uniformed or properly identified university or campus police
 13 officer while such officer is engaged in the performance of such officer's
 14 duty; or

15 (3) knowingly causing, with a motor vehicle, bodily harm to a:

16 (A) Uniformed or properly identified state, county or city law
 17 enforcement officer while the officer is engaged in the performance of the
 18 officer's duty; or

19 (B) uniformed or properly identified university or campus police
 20 officer while such officer is engaged in the performance of such officer's
 21 duty.

22 (e) Battery against a school employee is a battery, as defined in
 23 subsection (a), committed against a school employee in or on any school
 24 property or grounds upon which is located a building or structure used by a
 25 unified school district or an accredited nonpublic school for student
 26 instruction or attendance or extracurricular activities of pupils enrolled in
 27 kindergarten or any of the grades one through 12 or at any regularly
 28 scheduled school sponsored activity or event, while such employee is
 29 engaged in the performance of such employee's duty.

30 (f) Battery against a mental health employee is a battery, as defined in
 31 subsection (a), committed against a mental health employee by a person in
 32 the custody of the secretary for aging and disability services, while such
 33 employee is engaged in the performance of such employee's duty.

34 (g) (1) Battery is a class B person misdemeanor.

35 (2) Aggravated battery as defined in:

36 (A) Subsection (b)(1)(A) **or (b)(1)(D)(i)** is a severity level 4, person
 37 felony;

38 (B) subsection (b)(1)(B)~~or~~, (b)(1)(C) **or (b)(1)(D)(ii)** is a severity
 39 level 7, person felony;

40 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
 41 felony;~~and~~

42 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
 43 felony;~~and~~

- 1 ~~(E) subsection (b)(1)(D) is a severity level 6, person felony.~~
2 (3) Battery against a law enforcement officer as defined in:
3 (A) Subsection (c)(1) is a class A person misdemeanor;
4 (B) subsection (c)(2) is a severity level 7, person felony; and
5 (C) subsection (c)(3) is a severity level 5, person felony.
6 (4) Aggravated battery against a law enforcement officer as defined
7 in:
8 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
9 and
10 (B) subsection (d)(2) is a severity level 4, person felony.
11 (5) Battery against a school employee is a class A person
12 misdemeanor.
13 (6) Battery against a mental health employee is a severity level 7,
14 person felony.
15 (h) *The provisions of subsection (b)(1)(D) shall not apply to: (1) A*
16 *legitimate medical procedure performed by a physician or other licensed*
17 *medical professional; or (2) a restraint performed by a law enforcement*
18 *officer in accordance with acceptable law enforcement practices.*
19 (i) As used in this section:
20 (1) "Correctional institution" means any institution or facility under
21 the supervision and control of the secretary of corrections;
22 (2) "state correctional officer or employee" means any officer or
23 employee of the Kansas department of corrections or any independent
24 contractor, or any employee of such contractor, working at a correctional
25 institution;
26 (3) "juvenile correctional facility officer or employee" means any
27 officer or employee of the juvenile justice authority or any independent
28 contractor, or any employee of such contractor, working at a juvenile
29 correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and
30 amendments thereto;
31 (4) "juvenile detention facility officer or employee" means any officer
32 or employee of a juvenile detention facility as defined in K.S.A. 2014
33 Supp. 38-2302, and amendments thereto;
34 (5) "city or county correctional officer or employee" means any
35 correctional officer or employee of the city or county or any independent
36 contractor, or any employee of such contractor, working at a city holding
37 facility or county jail facility;
38 (6) "school employee" means any employee of a unified school
39 district or an accredited nonpublic school for student instruction or
40 attendance or extracurricular activities of pupils enrolled in kindergarten or
41 any of the grades one through 12; and
42 (7) "mental health employee" means an employee of the Kansas
43 department for aging and disability services working at Larned state

1 hospital, Osawatomie state hospital and Rainbow mental health facility,
2 Kansas neurological institute and Parsons state hospital and training center
3 and the treatment staff as defined in K.S.A. 59-29a02, and amendments
4 thereto.

5 Sec. 2. K.S.A. 2014 Supp. 21-5413 is hereby repealed.

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