

SENATE BILL No. 220

By Committee on Judiciary

2-12

1 AN ACT concerning crimes and punishment; relating to battery against a
2 mental health employee; amending K.S.A. 2014 Supp. 21-5413 and
3 repealing the 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) knowingly causing physical contact with another person when
19 done in a rude, insulting or angry manner with a deadly weapon, or in any
20 manner whereby great bodily harm, disfigurement or death can be
21 inflicted;

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

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

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

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

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

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

36 (A) Uniformed or properly identified university or campus police

1 officer while such officer is engaged in the performance of such officer's
2 duty; or

3 (B) uniformed or properly identified state, county or city law
4 enforcement officer, other than a state correctional officer or employee, a
5 city or county correctional officer or employee, a juvenile correctional
6 facility officer or employee or a juvenile detention facility officer, or
7 employee, while such officer is engaged in the performance of such
8 officer's duty; or

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

10 (A) Uniformed or properly identified university or campus police
11 officer while such officer is engaged in the performance of such officer's
12 duty; or

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

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

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

23 (B) juvenile correctional facility officer or employee by a person
24 confined in such juvenile correctional facility, while such officer or
25 employee is engaged in the performance of such officer's or employee's
26 duty;

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

30 (D) city or county correctional officer or employee by a person
31 confined in a city holding facility or county jail facility, while such officer
32 or employee is engaged in the performance of such officer's or employee's
33 duty.

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

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

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

40 (B) uniformed or properly identified university or campus police
41 officer while such officer is engaged in the performance of such officer's
42 duty;

43 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)

1 (C), committed against a:

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

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

8 (3) knowingly causing, with a motor vehicle, bodily harm to 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.

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

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

27 ***(g) Aggravated battery against a mental health employee is an***
28 ***aggravated battery, as defined in subsection (b), committed against a***
29 ***mental health employee by a person in the custody of the secretary for***
30 ***aging and disability services, while such employee is engaged in the***
31 ***performance of such employee's duty.***

32 ~~(g)~~ ***(h)*** (1) Battery is a class B person misdemeanor.

33 (2) Aggravated battery as defined in:

34 (A) Subsection (b)(1)(A) is a severity level 4, person felony;

35 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
36 felony;

37 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
38 felony; and

39 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
40 felony.

41 (3) Battery against a law enforcement officer as defined in:

42 (A) Subsection (c)(1) is a class A person misdemeanor;

43 (B) subsection (c)(2) is a severity level 7, person felony; and

1 (C) subsection (c)(3) is a severity level 5, person felony.

2 (4) Aggravated battery against a law enforcement officer as defined
3 in:

4 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
5 and

6 (B) subsection (d)(2) is a severity level 4, person felony.

7 (5) Battery against a school employee is a class A person
8 misdemeanor.

9 (6) Battery against a mental health employee is a-

10 ~~(A) Severity level 7, person felony, except as provided in subsection~~
11 ~~(g)(6)(B);~~

12 ~~(B) severity level 3, person felony if committed by a person civilly~~
13 ~~committed to a treatment facility as a sexually violent predator as~~
14 ~~provided in K.S.A. 59-29a01 et seq., and amendments thereto severity~~
15 ~~level 5, person felony.~~

16 **(7) Aggravated battery against a mental health employee is a**
17 **severity level 3, person felony.**

18 ~~(h)~~ **(i)** As used in this section:

19 (1) "Correctional institution" means any institution or facility under
20 the supervision and control of the secretary of corrections;

21 (2) "state correctional officer or employee" means any officer or
22 employee of the Kansas department of corrections or any independent
23 contractor, or any employee of such contractor, working at a correctional
24 institution;

25 (3) "juvenile correctional facility officer or employee" means any
26 officer or employee of the juvenile justice authority or any independent
27 contractor, or any employee of such contractor, working at a juvenile
28 correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and
29 amendments thereto;

30 (4) "juvenile detention facility officer or employee" means any officer
31 or employee of a juvenile detention facility as defined in K.S.A. 2014
32 Supp. 38-2302, and amendments thereto;

33 (5) "city or county correctional officer or employee" means any
34 correctional officer or employee of the city or county or any independent
35 contractor, or any employee of such contractor, working at a city holding
36 facility or county jail facility;

37 (6) "school employee" means any employee of a unified school
38 district or an accredited nonpublic school for student instruction or
39 attendance or extracurricular activities of pupils enrolled in kindergarten or
40 any of the grades one through 12; and

41 (7) "mental health employee" means: ~~(A)~~ An employee of the Kansas
42 department for aging and disability services working at Larned state
43 hospital, Osawatomie state hospital ~~and Rainbow mental health facility,~~

1 Kansas neurological institute and Parsons state hospital and training center
2 and the treatment staff as defined in K.S.A. 59-29a02, and amendments
3 thereto; ***and (B) contractors and employees of contractors under***
4 ***contract to provide services to the Kansas department for aging and***
5 ***disability services working at any such institution or facility.***

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

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